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COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES
JUDICIARY COMMITTEE

In re: House Bill 1658, Reporting Anti-Abortion and
Anti-Contraception Violence

Stenographic report of hearing held in
Room 140, Main Capitol, Harrisburg,
Pennsylvania

Tuesday, May 27, 1992, 10:00 a.m.

HON. THOMAS R. CALTAGIRONE, CHAIRMAN

MEMBERS OF COMMITTEE

- Hon. Jeffrey Piccola
- Hon. Ruth C. Rudy
- Hon. David Heckler
- Hon. Kevin Blaum
- Hon. Jerry Birmelin
- Hon. James Gerlach
- Hon. Robert D. Reber, Jr.
- Hon. Chris R. Wogan

Also Present:

- Mary Woolley, Esquire, Republican Counsel
- David Krantz, Executive Director,
House Judiciary Committee
- Galina Milohov, Research Analyst
- Martin Durkin, Legal Intern
- Katherine Em Manucci, Secretary

Reported by:
Emily R. Clark, RPR

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I N D E X

Speakers	Page
Hon. Ruth C. Rudy, Prime Sponsor	3
Ms. Martha Tornblom Escort, Hillcrest Women's Medical Center	5
Ms. Annette Kolski-Andreaco Executive Director, Women's Health Services, Inc.	13
Linda Wharton, Esquire Managing Attorney, Women's Law Project	22
Rev. Philip Beachey Concerned Citizen	37

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1 CHAIRMAN CALTAGIRONE: I would like to start
2 today's hearing on House Bill 1658. The prime sponsor of
3 the bill, who is Representative Ruth Rudy, will co-chair the
4 hearing with Chairman Piccola and myself. And I would like
5 to see if she would like to make some opening comments and
6 we'll start the testimony.

7 REPRESENTATIVE RUDY: Yes. Thank you, Chairman
8 Caltagirone. I would like to make some opening comments.

9 First of all, I would like to thank the chairman
10 and the members of the House Judiciary Committee for holding
11 this hearing on my legislation dealing with clinical
12 violence. I believe that after you have heard the testimony
13 of the witnesses here today, you will agree that the
14 incidents at clinics are more than just protests. They are
15 actions which harm, embarrass and frighten those who are
16 seeking services.

17 House Bill 1658 will provide abortion clinics
18 the same legal protection that we now give to banks,
19 schools, businesses, churches, state office buildings and
20 other places where criminal violence is prohibited.

21 Under present circumstances, law enforcement has
22 treated violence at these clinical facilities differently
23 than at other places, very often treating the perpetrators
24 with kid gloves by imposing small fines or by sentencing
25 them to a night in jail. This is, indeed, unfortunate,

1 since often these protests take on insidious forms such as
2 vandalism, death threats, bomb threats, and on occasion,
3 arson and actual bombings of abortion clinics.

4 National attention has most recently been drawn
5 to Buffalo, New York, and Wichita, Kansas, where the tactics
6 of anti-choice demonstrators has often led to violent
7 confrontations affecting patients, health care professionals
8 and law enforcement personnel.

9 According to National Abortion Federation
10 statistics, last year alone there were two incidents of
11 arson at clinics in North Carolina and Florida; a shotgun
12 was fired through a window in Little Rock, Arkansas; a
13 clinic doctor was detained at a rest stop, and protestors
14 chained themselves to a car in Milwaukee, Wisconsin. In
15 Aurora, Illinois, a doctor's office was vandalized with
16 damages estimated between \$175,000 and \$200,000. In
17 Springfield, Missouri, a masked gunman entered a clinic,
18 shot two people and then escaped unharmed.

19 The U.S. Constitution allows legitimate forms of
20 protest. However, it also protects an individual's right to
21 seek services at these facilities. Those seeking and
22 providing services are law-abiding citizens and they should
23 not be subjected to taunting, threats or violence.

24 No matter how you feel about the abortion issue,
25 clinic violence should not be tolerated, because violence is

1 violence. Individuals have the right to freely enter a
2 reproductive facility, just as we have the right to seek
3 services at other medical facilities.

4 I respectfully urge the members of the House
5 Judiciary Committee to look at this bill and consider moving
6 the bill from the Committee so it can be considered by the
7 full House. Thank you.

8 CHAIRMAN CALTAGIRONE: Thank you, Representative
9 Rudy.

10 Linda Wharton I understand is on her way here,
11 so we'll skip over her and move next to Martin Tornblom? If
12 there are other people that you would like to have sit at
13 the table with you.

14 MS. TORNBLOM: Representative Rudy, Mr. Chairman
15 and members of the Committee, my name is Martha Rich
16 Tornblom. I'm known to my family and friends as Marty
17 Tornblom.

18 I'm a mother and a grandmother. I'm a woman who
19 has experienced combat as a volunteer while defending the
20 right of women to obtain safe and legal abortions.

21 For over four years, I've been a volunteer
22 escort at Hillcrest Women's Medical Center in Harrisburg.
23 I'm one of dozens of men and women of diverse age,
24 occupation and beliefs who have been trained to provide
25 support to patients as they arrive at the clinic to have

1 abortions.

2 A need for this support was recognized following
3 one of the first rescues, quote, by a large group of
4 anti-choice demonstrators who attempted to prevent entry to
5 the clinic in December of 1988. The Harrisburg city police
6 arrested 79 that day, and they were transported in bus loads
7 to Fort Indiantown Gap to be processed. The escorts and
8 clinic staff speculated then what the ultimate cost to the
9 city would be in terms of the number of police personnel,
10 vehicles, overtime and court expenses.

11 Since that time, last December in Wichita, there
12 were 2,600 arrested, and in Buffalo this summer, the cost of
13 to the city was \$14,000 per day. Baton Rouge is next.

14 That was just the beginning. Hillcrest Clinic
15 secured the services of a security guard. On the morning of
16 March 18th, 1989, I had arrived at the rear parking lot of
17 the Hillcrest Clinic to escort patients from the rear
18 parking lot to the front entrance. The security guard was
19 present and fewer than a dozen protestors were shouting and
20 demonstrating in the alley adjoining the parking lot. All
21 at once, the designated leader of that group walked on to
22 the parking lot and attempted to engage me in conversation.
23 Without warning, a crowd of men rushed to the rear door and
24 attempted to gain entry. I somehow pushed through the
25 throng and placed my body between them and the corridor

1 which led to the lab and procedure rooms. From behind me
2 from the bullhorn held by their leader, came the command,
3 "we must subdue that woman."

4 My memory of the next few moments is a blur. I
5 recall flashing images of being thrown against the wall amid
6 the rush of invaders trying to push through the door, of a
7 staff person helping me pull the door closed, and another
8 helping to restrain one of the four men who had gained
9 access to the corridor.

10 I became aware of a progressive numbness in the
11 fingers and thumb of my left hand. It was painful to rotate
12 my wrist. The security guard who had been busily engaged
13 outside the building, arrived with the police who took the
14 four men into custody.

15 When I mentioned to an officer that I had been
16 injured, he asked me to identify those who had pushed me. I
17 was able to recognize two of them and I signed complaints
18 against them.

19 I went outside and into the front door of the
20 building. There I learned that two of the, quote, patients,
21 whom I had escorted to the waiting room, were the ones who
22 had rushed through the building and had opened the rear exit
23 doors, allowing their friends access.

24 Seven invaders had entered the front door, sat
25 on the floor and locked themselves together with Kryptonite

1 bike locks.

2 Another invader harassed and threatened patients
3 by thrusting a camera into their faces, taking pictures and
4 implying that such pictures would be made public.

5 When it was determined that the police had
6 confiscated the camera and taken control of events, I helped
7 to escort patients out of the waiting room to an upstairs
8 area away from the pile of people who remained locked
9 together.

10 The doctor examined my hand and suggested that I
11 leave the clinic and be examined immediately at Harrisburg
12 Hospital. Tests determined I had suffered no fractures.
13 Sprains and bruises were evident. I received treatment and
14 was released. I went home and called the clinic. It was
15 then mid afternoon, and I was told that the police and fire
16 department had been trying for a few hours to separate those
17 who had locked themselves together. They had finally called
18 upon special equipment, normally used to cut through heavy
19 metal in the rescue of auto accident victims, and the
20 equipment was damaged in the effort.

21 Several days passed before I began to experience
22 flashback and sleep disturbances. My daily routine became
23 affected. I sought counseling. I learned that in focusing
24 on the responsibility that I had assumed for the safety of
25 the patients and the security of the clinic, I had

1 suppressed all fear and anger that day, and I learned that
2 my reactions were the same as those of a soldier who had
3 been in combat.

4 Several months later, a hearing was held before
5 a district justice to hear the cases against those who had
6 been arrested. My assailants and the others were well
7 represented by legal counsel. I observed the frustration of
8 the arresting officers as one by one, cases were dismissed
9 or fines of \$25 were imposed, and I was not called upon to
10 testify.

11 The cost of several hundred dollars for the
12 repair of the rescue equipment was divided among the seven
13 on whom it was used. I have never been able to determine
14 whether any of these fines or costs have actually been
15 collected.

16 Since 1989, I have been attending numerous
17 hearings in Dauphin County relating to acts of violence on
18 clinics and attempts to prevent access to clinics. I have
19 also followed cases where complaints were filed and then
20 they evaporated into the system with no judicial
21 resolution. There has been no mechanism for compiling the
22 collective cost to individuals, the clinics, and most
23 important, to the municipalities for dealing with such
24 acts.

25 Many of the same names appear on list after list

1 of those arrested for similar crimes. Some boast of having
2 been incarcerated in a dozen or more states. While most
3 media reports focus on clinics where abortions are
4 performed, facilities whose services are limited to
5 reproductive health and contraceptive services are also
6 targeted.

7 During the time that I was employed in the
8 administrative office of Planned Parenthood of the Capital
9 Region in Harrisburg, the police department assisted us in
10 developing staff procedures in the event of explosion or
11 invasion following threats that we had received by mail and
12 telephone.

13 Abortions are not performed at Planned
14 Parenthood of the Capital Region. However, the
15 informational literature which we provide to our patients
16 was labeled pornographic by individuals who considered our
17 presence a threat to the quality of the community in which
18 we were establishing a new clinic.

19 The quote, nuisance, violations involving
20 trespass and harassment may seem frivolous when addressed
21 individually. The more serious cases of arson or criminal
22 mischief may appear to be the isolated work of a few
23 dangerous zealots from whom the public can be protected by
24 existing laws. Only when every case comes into one report
25 under a title which describes their truer nature, only when

1 the names of the violators and the collective costs are
2 placed under one cover, can the issue of clinic violence be
3 identified as a dangerous and very costly crime.

4 House Bill 1658 is a first step in getting
5 statewide recognition to this crime to which recent events
6 in Wichita and Buffalo have brought national attention. For
7 the clinics, their staffs and patients, as well as for me,
8 this hearing is providing the first opportunity to make our
9 experiences part of the public record.

10 Should the Abortion Violence Prevention Act
11 become law in the Commonwealth of Pennsylvania, we will see
12 for the first time an effort to make consistent and
13 accountable the recording and resolution of this specific
14 crime.

15 I thank this Committee for the opportunity to
16 tell my story. As those words, we must subdue that woman,
17 reverberate beyond that corridor and that time and that
18 event, we must keep in mind that clinic violence is not just
19 an attack directed toward a building nor toward the patients
20 and staff. Reproductive decisions are not made here.
21 They're made in private, at home, at work, church, doctor's
22 office, with the support of family, friends, loved ones, or
23 alone. The clinic is the place where the decision is
24 carried out. The right to make personal private
25 reproductive decisions is, therefore, the true target of

1 these violent crimes. The women who must exercise that
2 right in an atmosphere of danger, harassment and threats of
3 public exposure are victims. So, too, is the public at
4 large, which ultimately pays the cost in tax dollars to
5 protect this right from senseless violent attacks. I thank
6 you.

7 CHAIRMAN CALTAGIRONE: Questions?

8 REPRESENTATIVE RUDY: Yes. I really do not have
9 any questions but I just want to reiterate something that
10 you brought out in your statement, and that is, the
11 exorbitant costs in tax dollars that are paid for the
12 protection of these clinics, and this should not have to
13 be. I thank you for bringing that out in your statement,
14 because I think this is something that needs to be brought
15 out, and that is, the collective costs are never put down
16 into figures that anyone can read anywhere, and this is
17 something that I think is necessary for the people of this
18 Commonwealth to understand. Thank you.

19 CHAIRMAN CALTAGIRONE: Are there any other
20 questions from members of staff?

21 (No audible response.)

22 CHAIRMAN CALTAGIRONE: Thank you very much for
23 your testimony.

24 I understand that there was a major accident on
25 the turnpike and there is a possibility that the first

1 witness may not appear, but we certainly will accept the
2 written testimony when it will be presented to the
3 Committee.

4 We'll next move to Barbara Thomas, Esquire, a
5 volunteer from the Northeast Women's Center. We'll see if
6 she shows up.

7 REPRESENTATIVE RUDY: She may be caught up in
8 the same fiasco.

9 CHAIRMAN CALTAGIRONE: The same traffic, yeah.
10 Annette Kolski? Annette Andreaco. Did I
11 pronounce it correctly?

12 MS. KOLSKI: No, not even close. It's Annette
13 Kolski-Andreaco.

14 Thank you for inviting me here today. As I
15 said, my name is Annette Kolski Andreaco, and I'm the
16 executive director of Women's Health Services in
17 Pittsburgh.

18 Founded in 1973, Women's Health Services is a
19 nonprofit corporation governed by a voluntary board of
20 directors. The services included comprehensive gynecology
21 and contraceptive care, counseling and public education.

22 Mr. Chairman, Representative Rudy and members of
23 the Committee, violence at facilities that perform abortions
24 is an increasingly dangerous phenomenon. Since 1977, there
25 have been 961 incidents nationally reported to the National

1 Abortion Federation, a figure probably lower than the actual
2 numbers.

3 In 1991, vandalism was the most common form of
4 violence, 22 out of the 39 reported total incidents. There
5 were three bombings, three arsons, three attempted bombings
6 or arsons, four invasions, three assaults and battery, and
7 one death threat.

8 Violence reached a fever pitch in Buffalo, New
9 York, last month, and in Wichita, Kansas, last summer. In
10 Pittsburgh, anti-choice terrorists have chained themselves
11 to the doors of clinics and cars parked in front of clinics,
12 made threatening phone calls to staff and harassed and
13 followed patients and doctors.

14 Other types of harassment have included bomb
15 threats, bombing entrances of facilities to prevent patients
16 from entering and leaving, mass scheduling of no-show
17 appointments, invasion of the facilities to destroy
18 property, assault of patients and staff, refusal to leave
19 the premises, jamming phone lines, death threats, tracing
20 patient's vehicle license plate numbers and picketing of
21 staff members.

22 Since the founding of Women's Health Services
23 about 20 years ago, the patients and staff have experienced
24 constant intimidation and harassment. In just the last
25 year, a staff person resigned because she was accosted and

1 threatened by anti-abortion terrorists while shopping.

2 In 1989, anti-choice terrorists entered the
3 clinic, poured tar throughout the hallways while patients
4 were there, and chained themselves to the tar buckets. Not
5 long afterwards, vandals destroyed property by pouring a
6 noxious substance throughout the clinic.

7 These incidents have cost thousands of dollars
8 in damage, but more importantly, they have resulted in
9 emotional distress to patients who are exercising their
10 rights under the law to seek medical service, after much
11 soul searching and anguish for themselves and their
12 families.

13 Women come to Women's Health Services for many
14 reasons. Abortion services is only one. We provide all
15 aspects of reproductive health care, a full range of
16 gynecology services, mammography screening, psychological
17 counseling and fertility counseling, and referrals for
18 adoption and prenatal care. We employ some of the best
19 physicians in Pittsburgh, and have trained about 120
20 residents in almost 20 years of the history of the agency.
21 We also employ social workers, psychologists, psychiatrists,
22 nurses and nurse practitioners. We are a state licensed
23 health care facility, and yet our patients and staff are
24 continually subjected to violent acts.

25 The impact of abortion clinic violence is

1 considerable and can be disasterous for the patient. For
2 example, every Saturday from 30 to 300 protestors may gather
3 outside of our building. While some have peacefully
4 marched, others accost anyone else entering the building,
5 patient or not.

6 Patients have been grabbed, pushed, had
7 literature thrown at them and been called baby killer and
8 murderer. They have been intimidated getting out of their
9 cars in the parking garage across the street, to the point
10 that the garage managers have had to hire extra off-duty
11 police officers.

12 Invariably these same patients express the view
13 to us that the decision to end an unwanted pregnancy is a
14 painful choice, based on very personal individual
15 circumstances that anti-choice protestors do not know and
16 have no right to judge. Let me read to you from the words
17 of these patients.

18 Immediately after crossing the street we were
19 overrun by picketers. One was shouting at me in front of my
20 face. Another was tugging at my arm, trying to pull me
21 across the street. A man in a yellow T-shirt helped me get
22 through. It didn't bother me that I had to pass them. It
23 was the fact that they had harassed me and tried to pull me
24 across the street. They tried to tell me that they knew
25 what I was going through. They told me that I was stupid.

1 They put their hands on my daughter and physically stopped
2 her, told her people have died upstairs and the doctors were
3 being sued for malpractice.

4 I am upset enough about being here, through no
5 fault of my own or my daughter's due to her rape. The added
6 trauma and worry put on me by those people was unnecessary
7 and very upsetting.

8 A female came running from almost a block away.
9 She confronted each of us. She then displayed pictures of a
10 fetus both before and after the abortion. We said nothing
11 and continued into the building. She insisted on forcing
12 the pictures upon us, even though we ignored her. As we
13 were escorted into the building, she was stepping on our
14 heels and yelling things like, I care, don't do this to your
15 baby.

16 Freedom of speech is a major part of this
17 country. However, ethical values and feelings of others
18 must be considered.

19 I was personally stricken by this outrage, as
20 were other members of my party. This is a final step to a
21 much considered, much deliberated decision. How this woman
22 could possibly think we didn't care or that we didn't know
23 the consequences of the decision is beyond me. This
24 harassment is an outrage. This is not the time or the
25 place.

1 Two demonstrators tried to force me to take
2 pamphlets by stuffing them in my pocket. Also, two women
3 tried to physically prevent me from entering the clinic by
4 pulling at my arm and obstructing my path. The two police
5 officers were a help in controlling them. The experience is
6 not a pleasant one to begin with, and you know that when you
7 are arriving. Screaming protestors just added to the
8 anxiety and unpleasantness.

9 We left the parking garage across from the
10 building. Myself, my two daughters and a friend started to
11 cross the street. A group of people wearing pro-life shirts
12 came running at us, shoving pamphlets in our faces, saying
13 don't do this, it's murder. They would not leave us alone
14 and kept harassing us until we reached the police line in
15 front of the building.

16 When they could no longer reach us physically,
17 they shouted things like, don't kill your baby, this is
18 murder. I experienced undescrivable pain for my daughter,
19 whose emotions were already so much in turmoil. I felt
20 absolute rage against troublemakers who harass already
21 troubled people.

22 When a woman is frightened by such protestors,
23 she is more agitated during what is, after all, a surgical
24 procedure. The quality of care is adversely affected if her
25 fear or stress is increased because of legitimate concerns

1 about violence directed at her or the facility.

2 In 1986, Dr. Phillip G. Stubblefield testified
3 before the House Judiciary Committee's Subcommittee on Civil
4 and Constitutional Rights on abortion clinic violence. At
5 that time Dr. Stubblefield was the past president of the
6 National Abortion Federation. He stated: In my opinion,
7 the beliefs of protestors do not justify actions that
8 jeopardize medical care. Our society would not tolerate
9 protestors who would destroy blood samples at a Red Cross
10 clinic because they do not believe in transfusions, or who
11 would invade an operating room during heart surgery
12 procedure because they oppose the concept of heart
13 transplants.

14 Staff are also frightened by these violent
15 tactics. Physicians of Women's Health Services have had
16 their offices and houses picketed, their children have been
17 harassed and threatened. This invasion of rights of doctors
18 to practice what they believe and know to be a necessary
19 medical procedure has been so intimidating that it is
20 increasingly difficult in all parts of the country to obtain
21 physicians to work in this field.

22 These actions are nothing short of crude
23 vigilanteism. Why no one has yet died while undergoing a
24 procedure as a result of clinic violence is just short of a
25 miracle.

1 While freedom in the United States means the
2 right to hold and express differing points of view, it stops
3 short of denying others their constitutionally protected
4 rights. In Pittsburgh, we have been fortunate that the
5 police and the public prosecutor have, for the most part,
6 seen it as their duty to enforce the law, regardless of
7 their personal views on the question of abortion. The
8 county courts have dealt firmly with perpetrators of
9 violence against patients and staff.

10 This swift, sure approach has had the desired
11 deterrent effect thus far. But the cost to the city to
12 employ off-duty police officers to make mass arrests, detain
13 hundreds of protestors and section off whole areas of the
14 city should not have to be necessary, when so many other
15 needs exist for public taxpayers' dollars in urban areas, as
16 we well know.

17 While some may disagree that abortion is a moral
18 choice, there are others and, indeed, as every poll shows, a
19 majority in this country, who believe that decisions such as
20 this one are a private, personal matter best left to a woman
21 and her family to make in consultation with her physician.

22 I would like to close by reading to you the
23 words of a young patient who wrote to one of our doctors
24 recently.

25 Dear Doctor: I was in the clinic about a week

1 ago on the 28th. Although I've always been pro-choice, I
2 never really knew anything about abortion. It never
3 occurred to me how selfless a doctor in your position is.
4 There are less financial rewards, respect from peers and
5 hate mail from protestors. Being harassed by protestors
6 that morning made me realize how scary the situation is for
7 everyone. I am very grateful to you and feel that you have
8 saved my life, and I have a lot of respect for you, which
9 has even increased since I learned that there is a shortage
10 of doctors willing to perform the procedure. I am so happy
11 to be alive and healthy. For some reason, I thought I was
12 going to die.

13 CHAIRMAN CALTAGIRONE: Are there questions from
14 any of the members or staff?

15 (No audible response.)

16 CHAIRMAN CALTAGIRONE: Thank you.

17 We will accept testimony from any late comers or
18 anybody else that might prefer to submit it to the
19 Committee.

20 We did make an attempt, from what I understand
21 from staff, to have counterpoint to what's taking place here
22 today, but let me just say this. I happen to be pro-life
23 and that's been my position. I've made no bones about it
24 over the years. But I think the incidents of violating a
25 wall and creating the turmoil that's been created in various

1 areas of this state and this nation, I think does not speak
2 well of the people using the law for whatever purposes they
3 feel they want to use the law for.

4 The law is there. The tactics that have been
5 utilized, I think everybody has a right to demonstrate
6 peacefully. I think that is been historically noted in our
7 changes that we've taken place politically and otherwise
8 throughout the history of this country. I do think that
9 violence on the part of anyone, any group, regardless of
10 which side of an issue they may happen to be on, should not
11 be tolerated, period. And I think the law is the law and
12 everybody should obey it, because if we start to collect
13 negative if areas of the law for whatever purposes they suit
14 us, then we become nothing as a society. And I think people
15 should really start to realize this in the situations that
16 are confronting us in our society today. If anybody just
17 wants to take the law into their own hands, what are we
18 becoming as a society? What does that say for us?
19 Regardless of the issue.

20 Are you ready?

21 MS. WHARTON: Good morning. I apologize for
22 being late. There was a major traffic jam on the
23 Pennsylvania turnpike this morning.

24 I'm very pleased to be here to testify on behalf
25 of the Women's Law Project in support of the Abortion

1 Violence Prevention Act.

2 Violence against reproductive health care
3 providers and women seeking abortions is a subject of
4 profound importance to the lives, liberty and safety of
5 women in Pennsylvania. This proposed legislation represents
6 an important and effective step towards combating such
7 violence and harassment in this Commonwealth.

8 I am the managing attorney of the Women's Law
9 Project. My name is Linda Wharton. The Women's Law Project
10 is a nonprofit public interest law center dedicated to
11 advancing the legal and economic status of women and their
12 families, through counseling, advocacy and litigation.

13 During the past 17 years, The Law Project has
14 played a leading role in Pennsylvania and nationally in the
15 struggle to defend the right of women to choose whether to
16 terminate or continue a pregnancy. We believe that the
17 right to reproductive freedom is central and fundamental
18 component of a woman's right to equality in law and in
19 society, and we include in that definition the right to make
20 informed choices about reproduction, free of violence and
21 coercion.

22 The Women's Law Project has brought legal
23 challenges to the harassing and brutal tactics which many
24 anti-abortion groups have been employing against women
25 seeking reproductive health services and providers of such

1 services in the Philadelphia area.

2 I am presently lead counsel in Roe versus
3 Operation Rescue, a lawsuit filed in 1988 in the United
4 States District Court for the Eastern District of
5 Pennsylvania. In November, 1990, the United States Court of
6 Appeals for the Third Circuit upheld the permanent civil
7 injunction in that case, that which prohibits blockading,
8 harassment and trespassing at reproductive health care
9 providers in the Philadelphia area. The Third Circuit held
10 that such harassment and blockades violates a trespass law
11 and state law prohibiting intentional interference with
12 contract.

13 Like their counterparts across the nation,
14 Pennsylvania abortion providers and their patients have
15 experienced vicious violence and harassment by opponents of
16 abortion. Attacks on health clinics which provide abortion
17 as well as other reproductive health care services have
18 ranged from arson and bombs to harassment and assault of
19 clinic employees and patients.

20 Other specific tactics include invading clinics,
21 blocking entrances, making threatening phone calls to clinic
22 employees, videotaping and photographing patients as they
23 attempt to enter the clinics, shoving patients and
24 employees, flinging plastic fetuses and photographs of
25 fetuses is the faces of patients trying to enter clinics,

1 and screaming abusive epithets at patients.

2 As you will no doubt hear from other witnesses
3 today, reproductive health care providers in Pittsburgh have
4 experienced serious act of criminal violence. In 1989, the
5 Allegheny Reproductive Health Center in Pittsburgh was fire
6 bombed. Although fortunately no individuals sustained
7 personal injury, the facility itself sustained substantial
8 damages, which cost approximately \$20,000 to repair. In
9 1990, that same clinic suffered extensive roof and water
10 damage resulting in repair costs in excess of \$50,000.
11 Finally, in September of 1989, five opponents of abortion
12 forced their way into the offices of Women's Health Services
13 in Pittsburgh and dumped buckets of tar onto the main
14 patient care area. Repair costs in that case were I believe
15 in excess of \$27,000.

16 Currently, in Pennsylvania and elsewhere
17 throughout the nation, however, the most common harassment
18 tactic of opponents of abortion is the clinic blockade.
19 Large groups of demonstrators physically block the doors of
20 abortion clinics. Women seeking abortion and other services
21 are prevented from entering the clinic. Taunted and
22 followed, staff are tracked inside or outside the
23 facilities. They're verbally abused and they are sometimes
24 physically assaulted.

25 Large blockades began in this state in July of

1 1988, when nearly 900 people were arrested in three days of
2 demonstrations in Philadelphia. They continue to occur here
3 in the Commonwealth and elsewhere throughout the nation.
4 Most recently, clinic blockades in Wichita and Buffalo,
5 which were highly publicized and which I'm sure you've all
6 heard about, resulted in thousands of arrests in those
7 cities. Between 1991 and 1992, 24 blockades resulting in
8 829 arrests took place in Philadelphia.

9 Clinic blockades and other forms of anti-choice
10 harassment are not simple, harmless expressions of opinion.
11 To the contrary, this is criminal activity which seriously
12 threatens women's health. For example, a woman seeking a
13 first trimester abortion who is prevented from entering a
14 clinic may be forced to delay her abortion and to undergo a
15 second trimester abortion, which poses increased health
16 risks to her. Other women may be blocked from receiving
17 treatment in the middle of multi-day procedures, or they may
18 be denied medically necessary reproductive health care
19 totally unrelated to abortion.

20 As a result of harassment and violence, abortion
21 providers experience higher security, insurance and legal
22 costs. They are threatened with the loss of their leases
23 and they face serious staff morale problems and staff
24 turnover. The cost to the community that's targeted is also
25 very, very high. In Wichita, clinic blockades produced more

1 than 27 arrests and they cost that city \$650,000 in police
2 and court costs. In Philadelphia, the city has estimated
3 that it spends \$10,000 to \$25,000 each time there is a
4 blockade.

5 These blockades and other forms of harassment
6 also pose a serious threat to the continued availability of
7 safe, legal abortion. Nationwide, as a result of constant
8 harassment, many physicians have given up performing
9 abortions. In 83 percent of the counties in the United
10 States, there are presently no abortion providers. In
11 Pennsylvania, of 67 counties, 42 have no abortion provider,
12 and an additional 12 counties provided only seven or fewer
13 abortions during 1990.

14 There is little doubt that continued anti-choice
15 violence will no doubt exacerbate the crisis of the dearth
16 of abortion providers available to perform abortions
17 safely.

18 In spite of the high cost of anti-choice
19 harassment and violence and its plain illegality under
20 existing Pennsylvania criminal laws, the sad reality is that
21 in some municipalities in this Commonwealth, there has been
22 a failure to enforce the existing criminal law zealously and
23 effectively against anti-choice law breakers.

24 In Philadelphia, for example -- since my
25 experience is specific to Philadelphia I will focus on

1 Philadelphia -- police policies have repeatedly enabled
2 blockaders to keep clinics closed for several hours at a
3 time while arrests are made. Police have failed to maintain
4 access to clinics during the very slow arrest process.

5 The district attorney's office has failed to
6 charge offenders with the highest criminal offenses
7 possible, and they have failed to apprise sentencing judges
8 of the defendant's repeat offender status, which would
9 trigger stiffer penalties for those defendants who have done
10 this time and time again.

11 On several occasions, municipal court judges in
12 Philadelphia have allowed their personal views about
13 abortion to influence sentencing decisions. One judge, for
14 example, likened anti-choice protestors who were convicted
15 of criminal trespass, to protestors at the Boston Tea Party,
16 and imposed no fine or jail and only a \$25 court cost.
17 Among those defendants were defendants who had been
18 convicted 10, 12, 15 times for the same offense, and on many
19 occasions they walked away without even the \$25 court cost.

20 In over 1,000 prosecutions of anti-choice
21 protestors which occurred in Philadelphia during the
22 two-year period between 1988 and 1990, the maximum fine
23 imposed was \$25 and no defendant received a jail sentence.

24 As a result of Philadelphia's lenient
25 enforcement efforts, clinic blockaders are increasingly

1 choosing Philadelphia as the site for their activities, and
2 are openly telling their members not to fear any punishment
3 for arrests and to come to Philadelphia. It's become a
4 haven for clinic blockaders.

5 More serious, more zealous and effective
6 enforcement efforts in Philadelphia and other cities in this
7 Commonwealth would decrease the level of violence and
8 harassment. That has clearly been the experience in other
9 states. Where high fines have been imposed, the blockaders
10 have left and gone to other states.

11 I believe that this bill, House Bill 1658 will
12 cause municipalities such as Philadelphia to improve law
13 enforcement efforts by making those cities accountable to
14 the Attorney General. In the event that local law
15 enforcement efforts fail, the act provides an additional
16 avenue for enforcement by giving the Attorney General's
17 Office concurrent prosecutorial and investigatory
18 jurisdiction with the local district attorney.

19 Finally, I believe that this legislation will
20 also provide the citizens of this Commonwealth with valuable
21 information about the actions taken by their city to prevent
22 and combat anti-abortion violence and harassment.

23 Thank you for the opportunity to testify today,
24 and I would be happy to take any questions.

25 REPRESENTATIVE GERLACH: You mentioned the

1 prevalence of blockades to clinics, and I'm wondering, will
2 this bill allow easier access to people that wish to enter
3 the clinics? Or do we need to have a stronger statement
4 within the bill to make it so people can enter and leave the
5 clinics more readily?

6 MS. WHARTON: I think a stronger statement would
7 be helpful, but I think that this bill would no doubt cause
8 lots of improvement, because it would make the police
9 department, for example, in Philadelphia, accountable. It
10 would have to make a specific report about what they were
11 doing, and I think they would be quite embarrassed to report
12 what they're doing now, and I think that their reaction to
13 these situations would change if they were accountable to
14 the Attorney General.

15 REPRESENTATIVE GERLACH: If this bill becomes
16 law, we'll be keeping records on the offenders also that
17 have been arrested and we'll be able to identify multiple
18 offenders? Is there a way that we should grade multiple
19 offenders, like we do with our current sentencing
20 guidelines? Or do you have any recommendations along that
21 line?

22 MS. WHARTON: I think it would be very helpful
23 if we could somehow figure out who the multiple offenders
24 are. In Philadelphia, no one presently is keeping track of
25 that, including the District Attorney's office. If somehow

1 the state could keep track of that and set up a system where
2 individual communities were informed that a given protestor
3 had performed this activity elsewhere, that would be very
4 helpful, because under the law it should trigger a higher
5 sentence. The problem is that information is not being
6 given to sentencing judges.

7 REPRESENTATIVE GERLACH: You also mentioned that
8 Philadelphia is becoming a haven for clinic blockaders, in
9 that there was intrinsically the idea that there are
10 out-of-state protestors being brought in and that they are
11 instigating blockades all over the United States.

12 Would this track them if we were able to find
13 out people that were being activists in blockades around the
14 United States? Would that be --

15 MS. WHARTON: Yes, I believe there would be a
16 possibility of tracking them as well. The list, the arrest
17 list would include their names as well.

18 REPRESENTATIVE GERLACH: Thank you.

19 CHAIRMAN CALTAGIRONE: Chairman Piccola?

20 REPRESENTATIVE PICCOLA: Thank you, Mr.
21 Chairman.

22 Mrs. Wharton, thank you for your testimony.

23 As I read House Bill 1658, it is largely a
24 reporting requirement bill, requiring certain reporting by
25 municipalities, but I guess the key feature from your point

1 of view, and you did get to it finally in your last page of
2 testimony, is the proposal to give concurrent jurisdiction
3 in the investigation and the prosecution of criminal charges
4 to the Attorney General.

5 Now, I don't know how familiar you are with the
6 history of the Commonwealth Attorneys Act, but the General
7 Assembly has been very reluctant over the years, since we
8 adopted that statute, to go any further than we already have
9 in providing concurrent jurisdiction to the Attorney
10 General, because of the potential for overlapping
11 jurisdiction confusion.

12 Right now we have a bit of that problem in our
13 drug law enforcement activities, and the chairman and I are
14 probably more intimately familiar with some of those, and I
15 won't bore you with the details, but my question I guess is,
16 and to some extent I guess you answered it on your last
17 page, but from my perspective it's really not satisfactory,
18 because I'm curious on how you think giving concurrent
19 jurisdiction to the Attorney General is going to somehow
20 improve local law enforcement in this area? I have doubts
21 about that, but perhaps you could shed some light on why you
22 think that's case.

23 MS. WHARTON: I see it as a back rub. If once
24 the individual municipalities make their reports, and
25 there's some feeling on the part of the Attorney General's

1 Office that there have not been zealous enforcement efforts,
2 it gives the Attorney General's Office the power the step in
3 and do something. So it's another level of protection for
4 the citizens of the Commonwealth. That's how I see it.

5 REPRESENTATIVE PICCOLA: Do you think the
6 Attorney General, the Attorney General's Office has the
7 manpower or the person power to do what is suggested that
8 they might want to do under the provision of this bill?

9 MS. WHARTON: Frankly, I don't know that for
10 certain. I would hope, though, that given the seriousness
11 of this problem, the fact that it's very serious criminal
12 activity, that it would be made a priority by the Attorney
13 General's Office.

14 REPRESENTATIVE PICCOLA: You also alluded to
15 Philadelphia's lenient enforcement efforts. Are you
16 suggesting that there is a conscious policy by the
17 Philadelphia police department or somebody in Philadelphia
18 hierarchy to not prosecute or to be lax in prosecution of
19 certain criminal activity?

20 MS. WHARTON: No, I don't mean to suggest that.
21 I just think that this matter has not been, enforcing these
22 laws zealously has not been made a priority in Philadelphia,
23 as it has been in other states.

24 I don't mean to suggest, I don't know if there's
25 a conscious choice. I mean, that's a possibility, but I

1 don't know that for sure.

2 REPRESENTATIVE PICCOLA: What makes you think if
3 that is the case, that simply Philadelphia has not made it a
4 priority, what makes you think or gives you reason to
5 believe that the Attorney General, if given concurrent
6 jurisdiction, would make it a priority?

7 MS. WHARTON: Because the legislature of this
8 state has, by passing this legislation, will have directed
9 the Attorney General's Office to make it a priority, and
10 will have set a tone, and I would hope that the Attorney
11 General's Office would follow that mandate. Presently that
12 mandate is not there in the law.

13 REPRESENTATIVE PICCOLA: I don't read anything
14 in the bill that says the Attorney General would have to
15 make it a priority. I think it simply gives you an area of
16 concurrent jurisdiction which he in his prosecutorial
17 discretion could choose to exercise or not exercise.

18 MS. WHARTON: That's correct, it's not there
19 expressly. But I think implicit in the passage of this bill
20 is a statement by the legislature or recognition that this
21 is a very serious problem, and it needs to be dealt with
22 seriously and effectively.

23 REPRESENTATIVE PICCOLA: Thank you.

24 CHAIRMAN CALTAGIRONE: Any other questions?
25 Representative Heckler?

1 REPRESENTATIVE HECKLER: Thank you, Mr.
2 Chairman.

3 Really, I suppose what I have is more on the
4 order of an observation than a question. Having been
5 involved with the criminal justice system in a county which
6 had adequate resources in terms of jail cells and
7 prosecutors and police, I'm struck by the fact that all of
8 those who participate in the system, from police through
9 district justices, prosecutors and Common Pleas judges, are
10 so accustomed to dealing with people they clearly identify
11 as criminals, people who are willing to do violence to
12 others, people who are willing to steal from others, that
13 when they encounter someone they perceive as at least more
14 or less a regular citizen, they tend to view them in a
15 different way.

16 That's one bit of sociology that I would suggest
17 to you. Unless you are dealing with individuals who have
18 actually committed acts of violence or directly committed
19 acts of vandalism, I suspect that you'll have a lot of
20 judges, whatever their views, pro-choice or otherwise, may
21 simply not view these people -- they're viewing them as part
22 of a continuum of thousands of people I used to generically
23 refer to as dirtballs when I was a prosecutor, and these
24 folks in that context are going to look pretty good.

25 Number two, I'm wondering whether you have had

1 much dialogue with, for instance, the District Attorney's
2 office in Philadelphia, simply because burglars, minor drug
3 dealers are being turned loose almost immediately upon
4 arrest in Philadelphia simply because there is a terrible
5 lack of jail cells. I'm wondering if the difficulties you
6 encounter in Philadelphia may not in part be a symptom of
7 the criminal justice system that has almost ground to a
8 halt, is almost incapable of dealing with murderers.

9 Do you have any comment on that?

10 MS. WHARTON: Well, first of all, there has been
11 dialogue with the police department and the District
12 Attorney's office and we've seen over the years some
13 improvement, though I think the situation is still not very
14 good.

15 I agree with you, I think the overcrowding in
16 the prisons is an issue here. But that doesn't explain the
17 failure to impose fines. You know, for the most part that's
18 what I've asked for, that the maximum fine for a summary
19 offense, which is \$300, be imposed, and that just is not
20 happening.

21 The other, it's really a suggestion, we've seen
22 in the events in recent weeks in this country the tremendous
23 power of visual image to involve people in what's
24 happening. I wonder if you folks have thought about as part
25 of your anti-terrorism activities, videotaping the conduct

1 of people in the vicinity of your clinic? Again, while it
2 sounds pretty dry if you're sitting in the courtroom to say
3 someone spoke or whether it was shouting or speaking, that
4 they waved things, seeing this conduct on videotape might
5 just bring home to some of the judges who would consider
6 these cases, the nature of this conduct and its actual
7 impact on the victims subpoena.

8 MS. WHARTON: I think that's a good suggestion.
9 We have done that on occasion.

10 REPRESENTATIVE HECKLER: Thank you. That's all
11 I have, Mr. Chairman.

12 CHAIRMAN CALTAGIRONE: No other questions?

13 (No audible response.)

14 CHAIRMAN CALTAGIRONE: Thank you very much for
15 your testimony.

16 MS. WHARTON: You're welcome. Thank you.

17 CHAIRMAN CALTAGIRONE: Is there anybody else
18 that would care to testify that's here today? If you would
19 just state your name and who you represent.

20 MR. BEACHEY: My name is Philip Beachey,
21 B-e-a-c-h-e-y. I'm a pastor and I live in Perry County.

22 I am a rescuer, and I'm very familiar with
23 Philadelphia and also Pittsburgh and also Harrisburg. And
24 I'm not sure quite what to say other than that this is an
25 issue of our times and no matter what the Supreme Court

1 does, it is not going to go away.

2 For us who are considered pro-life and are very
3 much activist in it, we look at -- there are violent acts
4 that happen. We would not condone the violent acts, but I
5 think that when we're on trial in Philadelphia and other
6 places and they do bring in the videocameras, the police
7 regularly take video pictures of what we do, when you see
8 our action and the actions of others that are there, you
9 would be struck and you would also see a contrast in what
10 happens. Most of the people there are prayerful, most of
11 the people there are singing. Obviously when we put our
12 bodies between there in one sense that is trespass.

13 I would argue that if we break the law, and do
14 what's wrong, there's a law on the book. Why count us out,
15 separate us out as something specific or particular? Deal
16 with us as the legal system should and we're willing to take
17 what may happen.

18 It is true they impose fines. It's often true
19 with people who rescue that they are willing to go to jail
20 if they have to. Presently there are a number of pro-lifers
21 who are right now in jail. We look at that as a small price
22 to be paid.

23 The issue, again, is a matter, from our
24 perspective, of life, and we would argue from our
25 activities, depending on which side you are, how you portray

1 it, that as the result of it today some people are alive,
2 and we argue that that is worthwhile.

3 Violence does take place. It takes place every
4 day in our country today. This week in Harrisburg, over a
5 hundred abortions will be performed. We argue that's
6 violent. Who is to judge what's most violent? I'm not
7 sure. But we made our judgment and accordingly we do that.
8 We do act.

9 So I have a copy of the Constitution, and the
10 first preamble it mentions about our right, inherent right
11 to defend life, and from our perspective we're looking at
12 that as defending life.

13 We are not violent people. We at times get very
14 emotional. There is violence at times that happens, but we
15 by nature are not violent people. I think most people are
16 very religious, and it's looked at as an act of obedience in
17 what we're doing.

18 So I listened with interest. I would argue that
19 if crime is committed, deal with us according to the
20 criminal system. But to specially pick us out, I noticed in
21 statistics that were used nationwide, I'm wondering when the
22 last violence was that took place in our state.

23 I noticed also, on the statistics that were
24 given, violence, picketing, is that violent? We do have a
25 first amendment and the right to speak. And I think that

1 there may be a dampening effect on some of the things that
2 one is trying to do.

3 So we have a wonderful Constitution. It
4 protects life and liberty for all pro-life and pro-choice.

5 CHAIRMAN CALTAGIRONE: Reverend, I think you
6 would agree that anybody has the right to demonstrate, I
7 think that's a given, peaceably, so as not to encroach on
8 somebody else's rights. Anybody that violates the law and
9 with violence, of course, that's perpetrated in these
10 instances, on either side, I personally feel should not be
11 tolerated, and that violence begets violence. And what
12 happens, you have an escalating situation which does not
13 speak to the issue. It's not going to be resolved on the
14 streets.

15 I think cooler heads have got to prevail as far
16 as how these situations can be escalated, because all of it
17 combined just creates tremendous problems for everybody
18 that's involved, tremendous costs on our already
19 overburdened judicial system, and that the taxpayers of this
20 state and of the counties and the cities where these actions
21 take place, start to create a tremendous burden on the
22 system that we've all paid for.

23 Some people may say that's a small price to pay,
24 but I think the point is well taken that in most of our
25 counties, the jail time, the pro-life people realize this,

1 are so overcrowded, that for minor offenses most judges will
2 not put people in jail simply because there's no room in
3 those jails for those offenders.

4 I think a previous speaker had indicated that if
5 people are willing to violate the law, then they should be
6 fined accordingly, at least that at the maximum level if
7 they continue to be repeat offenders.

8 MR. BEACHEY: And I would mention just from the
9 pro-life point of view, I'm very familiar with certain
10 situations in the neighborhood of Philadelphia, and some of
11 us who were found guilty ended up spending five days in
12 jail, some 10 days, some 15 days in jail. You can argue
13 cost effective? What's most effective? Most pro-lifers are
14 willing to pay the price for what they're doing.

15 We see an analogy to what took place back in the
16 '60s, although some would argue that that's not fair, but
17 civil disobedience, we would add biblical obedience is part
18 of what happens. And I would argue that the issue is not
19 going to be resolved legislatively. It will, in fact, be
20 resolved in the streets.

21 CHAIRMAN CALTAGIRONE: Well, if that would be
22 the case, then we might as well just throw that Constitution
23 out and our laws right out the window.

24 MR. BEACHEY: I didn't say --

25 CHAIRMAN CALTAGIRONE: It wouldn't be worth the

1 paper that it would be written on.

2 MR. BEACHEY: I didn't say violently.
3 Violence. The street is where you take your views. And we
4 have a right, according to the Constitution, to demonstrate,
5 to remonstrate, to picket, to do all these things.

6 CHAIRMAN CALTAGIRONE: Peacefully under the law.

7 MR. BEACHEY: That's right. And it's in this
8 way that the issue's going to be, in my mind, resolved. I
9 may be wrong on that. But violence is, I'm very much active
10 in what happens, and these people who are involved are very
11 nonviolent.

12 Now, sometimes we speak, sometimes we argue, and
13 one can argue back and forth, but there is no hitting,
14 there's no slugging. I've been in situations where people
15 come at you, and it can be rather intimidating.

16 CHAIRMAN CALTAGIRONE: If in the cases which
17 evidently occurred in the Pittsburgh clinic, where buckets
18 of tar were poured over the floor, you feel that that was
19 going a little bit too far?

20 MR. BEACHEY: I will not condemn it, although I
21 will mention to you there the reason why the people did it,
22 and I do know personally the people who did it, was to get,
23 gain time. So they had their feet in the buckets in order
24 that it might take the police a longer time to remove them.
25 The police came in, didn't like what they were doing and

1 went to remove them, the tar went over.

2 So was it wise? Was it not? You can't remove
3 move. I'm not going to condemn it, because I would argue
4 that there was reason for what they're doing. It may not
5 have been the best reason.

6 CHAIRMAN CALTAGIRONE: You don't think it would
7 be appropriate if somebody took buckets of tar into your
8 church and poured or stood in the buckets in your church,
9 knowing full well that that tar was going to get all over
10 the floor of the church? Do you think that would be
11 appropriate?

12 MR. BEACHEY: The tar got all over the building
13 by them being yanked over, but not by them standing there.

14 CHAIRMAN CALTAGIRONE: I understand.

15 MR. BEACHEY: No. I would argue that's not
16 necessarily the place to go, but I would argue also that in
17 church, the people aren't being destroyed, either. There's
18 a reason why they're where they are. It's not the church or
19 the legislature or some local place down the road, it's
20 because something there's happening there that the people go
21 there.

22 CHAIRMAN CALTAGIRONE: I'm not arguing the
23 merits of the issue. The argument that I have is whether or
24 not people's property and safety should be safeguarded,
25 regardless of whatever position people are going to be on in

1 this issue.

2 MR. BEACHEY: See, we can't resolve that, from
3 my perspective, because there's property and there's life.

4 Up on the fourth floor where the Supreme Court
5 and Superior Court meet, behind their wall is the 10
6 commandments. A lot of beatitudes. They list the scale of
7 law and the top is divine law and it goes all the way down
8 to natural law and all that. But it basically says that
9 that law which is contrary to God's law is not basically, it
10 loses its force or its impact. And whether a commonwealth or
11 a country condones an act which some people believe is
12 inherently morally wrong, you have that conflict. How it's
13 going to work out, I do not know.

14 The people on the one side think I'm real bad; I
15 think they're very bad morally. How we're going to resolve
16 it I don't know. 70 percent of the people in the middle,
17 they don't care and they wish that we would go away. But we
18 aren't going to go away and they're not going to go away,
19 either. It's not an easy problem.

20 CHAIRMAN CALTAGIRONE: I know, and the point
21 that I'm making is especially with what we're here for today
22 with the legislation is to provide some sanity into what's
23 taking place so that people's property and persons are not
24 being encroached upon, because I don't think it's right that
25 people tread on other people's rights to prove their point,

1 and the Constitution safeguards all our rights.

2 MR. BEACHEY: But now you're making a law that
3 specifically designates or calls attention to a specific
4 group. One could wonder if that's equal justice or that is
5 our crime of trespass worse than some other person's crime
6 of trespass?

7 CHAIRMAN CALTAGIRONE: I think the incidents and
8 what's going on is what's concerning a lot of people, and
9 whether or not the laws are, in fact, being enforced, number
10 one, at the local level, and number two, whether or not
11 people's rights are also being violated.

12 We are a country of law. That's what we're all
13 about with this body here. That's what we stand for.
14 That's what we're in these positions to look at, the law,
15 and whether or not, to see whether or not this law needs to
16 be expanded, broadened, defined or whatever.

17 MR. BEACHEY: And as long as Roe v. Wade is the
18 law of the land, you will have people who are engaged in
19 their view civil disobedience and so that that will have to
20 be dealt with. They believe that morally. They believe it
21 as a --

22 CHAIRMAN CALTAGIRONE: Reverend, that's where I
23 think many of us differ on the aspects of how we express
24 ourselves, and whether or not that form of expression starts
25 to encroach on somebody else's rights, especially by some of

1 the violent behavior that's taking place. Does it make it
2 right? And your point of view is, and you know, some people
3 will say whatever it takes. But I don't personally agree
4 with that.

5 MR. BEACHEY: No, I'll say again just for the
6 record, that violence, the hitting, the hurting, the
7 harming, the violence, the bombing, the arson, is to be
8 condemned. That's not the way to go. It's not right for
9 pro-lifers, it's not right for others. Those incidents
10 happen at times.

11 But to block an entrance to a building and call
12 that violence, you may wish to equate the two. Other people
13 wouldn't share your judgment on that, and we would see a
14 difference.

15 To be praying and singing in front of the door,
16 in our minds is not violent. And if you want then to take
17 special records and get the Attorney General and others and
18 classify these as real bad criminals, you may, but that
19 won't solve the issue.

20 CHAIRMAN CALTAGIRONE: I think protest, peaceful
21 protests without blocking entranceways to any kind of a
22 building, period. They can block the entrance to this
23 building, they could block the entrance to your home or your
24 church. Denying somebody entrance to whatever facility or
25 whatever building I think is a form of harassment, I think

1 it's obstruction of a person's, whatever their point of view
2 may be. Whether they agree or disagree with your personal
3 philosophy or my personal philosophy, is not the case here.

4 I think marching around in a peaceful protest or
5 sitting on the pavement praying has nothing to do with
6 blocking an entranceway to a facility, whether it happens to
7 be an abortion clinic a church or a governmental building or
8 whatever. And that was dealt with during the '60s as I can
9 recall, also.

10 MR. BEACHEY: I'm sorry, I didn't mean to
11 interfere.

12 The main point, and I don't know that it can be
13 resolved, is that from the pro-life viewpoint, and I'm
14 speaking personally, it's not so much a matter for
15 philosophy, it's a deeply held thing where you have to put
16 in practice what you hold, and that's our view of the
17 violence, using our terms of what takes place there, causes
18 us to do that.

19 So we trespass and do other things that are
20 portrayed as violent in order to stop a greater violence
21 from happening, to save life. Now, is that justified? Is
22 that reasonable? That's the issue. And even among
23 pro-lifers there's a big difference of opinion as far as
24 what should happen. There's not a consensus on what should
25 happen.

1 CHAIRMAN CALTAGIRONE: Thank you, Reverend.

2 MR. BEACHEY: Thank you very much.

3 CHAIRMAN CALTAGIRONE: Is there any other
4 testimony to be given today? I know that we're lacking one
5 additional party, Linda Wharton, but we'll accept --

6 REPRESENTATIVE RUDY: Linda was here. It was
7 Barbara Thomas.

8 CHAIRMAN CALTAGIRONE: Barbara Thomas, that's
9 right. We will accept her testimony, and we'll now conclude
10 the hearing. The hearing is now adjourned. Thank you.

11 REPRESENTATIVE RUDY: Thank you.

12 (Whereupon, the hearing was adjourned at
13 11:26 a.m.)

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