

Oregon jury rules against anti-abortion web site

Defendants ordered to pay \$107 million in damages

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On Tuesday a federal jury in Portland, Oregon ordered anti-abortion defendants to pay more than \$107 million to Planned Parenthood and a group of doctors in an abortion rights suit. The 14 defendants include 12 individuals and the organizations American Coalition of Life Activists and Advocates for Life Ministries. They are responsible for producing "wanted" posters of abortion providers and an anti-abortion web site that lists the names and provides detailed information of doctors who perform abortions.

The case was brought in 1995 under federal racketeering statutes and the Freedom of Access to Clinic Entrances Act of 1994, which makes it illegal to use "force or threat of force" against anyone seeking or providing an abortion. Originally citing the "Deadly Dozen" posters, which offered cash rewards for information about certain doctors, the suit was later expanded to include "The Nuremberg Files" web site.

In closing arguments in the three-week trial, Maria Vullo, a lawyer for the plaintiffs, commented on the defendants' activities: "It's about using tactics to intimidate so these doctors will stop performing abortions because they are afraid that just like other doctors who have been murdered, it will happen to them.... Remember the pattern: Poster, murder. Poster, murder. Poster, murder."

Doctors testified during the trial that they have lived in constant fear since their names appeared on the site. They have taken to wearing bulletproof vests and disguises and constantly changing their routes to work in an effort to evade would-be assassins. Over the past two decades, there have been more than 250 acts of violence in the US, including bombings, against clinics providing abortions. Seven people have been killed in the past five years.

At the center of the trial was the content of "The Nuremberg Files" web site. Created by Georgia computer consultant Neal Horsley three years ago, it takes its name from the German city where Nazi leaders were tried after World War II. Under the heading "Visualize Abortionists on

Trial," the site describes itself as "a coalition of concerned citizens throughout the USA [that] is cooperating in collecting dossiers on abortionists in anticipation that one day we may be able to hold them on trial for crimes against humanity."

Information on the site amounts to a hit list of doctors and others assisting in providing abortions for women, which has been legal since the Roe v. Wade Supreme Court decision of 1973. The site's "Main Archive" lists the names of doctors on whom personal data is being accumulated. When a doctor is wounded his name is grayed out. When a doctor is slain, a line appears through his or her name. One such name on the site is that of Barnett Slepian, the upstate New York doctor who was killed by a sniper's bullet through his kitchen window on October 23, 1998.

Visitors to the site are urged to e-mail information on doctors, nurses, abortion clinic owners and directors, and security guards and escorts at clinics. Information is also sought on "judges and politicians who pass or uphold laws authorizing child-killing or oppressing pro-life activists." Data sought includes the following:

- "Photos or video tapes of the abortionist, their car, their house, friends, and anything else of interest";
- "Current and past personal data including date and place of birth, home and business addresses and phone numbers, Social Security numbers, automobile plate numbers, names and birthdates of spouse(s), children and friends";

- Criminal records, mug shots, divorce files, newspaper clippings and "anything else you believe will help identify and convict the abortionist in a future court of law."

The site includes a lurid exhibit purporting to tell "The Hard, Dirty, Stinking, Terrifying Truth About Legalized Abortion." A series of photos, supposedly taken undercover by a Nuremberg Files supporter, depicts plastic jars at a "laboratory in Southern California." According to the

accompanying text: "Each of those plastic jars contains one little dead person. The mother's name and the date of the abortion are written on the labels."

The narrative continues: "Look closely and you can make out the names of the mothers as well as some of the actual body parts of the children they sacrificed on the altar of the demon of self-indulgence." A number of the women's names are clearly legible.

This section of the site ends with the words, in bold: **"Is it any wonder people are driven to violence in the face of such injustice, such evil, such abomination?"**

The jury in the Portland trial did not have the option of shutting down the site, and could only decide on damages. Plaintiffs' attorneys have asked presiding US District Judge Robert E. Jones to order its closure. They are seeking a temporary injunction against the site while Jones rules on whether it should be shut down permanently, or its contents altered.

The defendants in the case will appeal the trial's decision and argue that the site should remain open during the appeal process. A number of the defendants said they had taken steps to make themselves "judgment proof" by transferring their assets.

One of the defendants is Michael Bray, a minister from Bowie, Maryland, who was jailed for close to four years for bombing and setting fire to seven abortion clinics in the 1980s. He denounced the verdict as a blow against First Amendment rights.

Bray organized a banquet in College Park, Maryland on January 21 to mark the twenty-sixth anniversary of the Supreme Court decision legalizing abortion. The banquet was a benefit to raise money for families of people imprisoned for anti-abortion crimes. Bray defended the tactics, including bombings and murders, which led to jail sentences for many in attendance. "I would call it the use of force to defend the innocent in the womb," he said.

Pro-choice groups have welcomed the Portland jury's ruling as a defense of a woman's right to abortion. These rights have come under increasing attack in recent years. In 1992 the Supreme Court ruled that abortion rights did not have to meet the "strict scrutiny" standard of review usually applied to protect fundamental rights. This means that states are permitted to impose restrictions on abortion rights as long as they do not "unduly burden" a woman's right to choose.

In 1998, state governments in the US enforced more abortion restrictions that at any time since the Roe v. Wade decision. According to the National Abortion and Reproductive Rights Action League (NARAL), more than 300 anti-choice bills have been introduced since January 1998, and more than 50 such measures in 23 states were

enacted in the first half of 1998 alone.

These restrictions include mandatory waiting periods, Medicaid funding bans, parental consent and notification laws, bans on the use of public facilities for abortion, bans on specific procedures, and prohibitions on the use of public funds to counsel women about or provide referrals for abortion services.

NARAL says that although attention is focused on so-called "partial-birth" abortion, "the vast majority of bills passed by state legislatures impeded access to reproductive health services on other fronts." In June 1998 the Senate voted to deny access to abortion for women in the US military at military hospitals, even if they pay for the procedure themselves. In May of last year doctors in Wisconsin notified patients that they would no longer perform abortions at any stage of pregnancy, fearing prosecution under a vaguely worded law banning "partial birth" abortions. Doctors who violate the law face life sentences.

Thirty-one states enacted anti-choice legislation in 1997, and in 84 percent of counties across the United States there is no abortion provider. The states of North Dakota and South Dakota have only one abortion provider each, burdening women with travel expenses and hardship, or putting an abortion procedure out of their reach.

The day after the Portland verdict, a woman in San Francisco gave birth to a baby girl. Twenty-one-year-old Yuriko Kawaguchi was convicted of credit card fraud, and sentenced in October 1998 to six months in prison for an offense which would usually receive probation. At her trial in Cleveland, Ohio Kawaguchi pleaded guilty and told Judge Patricia Cleary that she had an "unwanted pregnancy" and would be "trying to have a procedure." At her sentencing hearing, Cleary remarked, "She is not having a second-term abortion," and gave her a sentence to ensure that she wouldn't. Ms. Kawaguchi is suing Judge Cleary.



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