

Aug. 21, 91

Operation Rescue a constitutional battle

What is the responsibility of the citizen when the government becomes anarchic — that is, when government power is emancipated from constitutional restraints? This question, among others, is implicated in the developing events in Wichita involving Operation Rescue.

Operation Rescue is an anti-abortion group that uses direct action (mainly in the form of sit-ins that block access to abortion clinics) in the effort to stop abortion. The group is locked in a confrontation with U.S. District Judge Patrick Kelly, who has seen fit to apply an 1871 anti-Klan statute in an attempt to prevent the group from staging further protests.

The Bush Administration filed a friend of the court brief in opposition to Kelly's ruling, insisting that the judge has usurped the jurisdiction of local legal authorities in Wichita. Kelly responded by declaring that he is "disgusted with the United States." The judge appeared on ABC-TV's "Nightline" program on Aug. 6 to discuss the matter, explaining, "I thought I should be speaking to my community in order to bring some confidence (in the courts)." That is, the judge indulged in some rather spectacular ex parte communication in the hope of generating support for a thoroughly suspect decision.

Significantly, Kelly admitted on "Nightline" that he wasn't secure about his application of the 1871 statute. Kelly said that Prof. Lawrence Tribe of Harvard, who was also a guest on "Nightline" Aug. 6, "would know more about it — I just got into this." Tribe, who is dissimulator-in-chief for the pro-



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ABROAD

abortion movement, observed that the 1871 law "was written in very general terms" and asserted, "It is clear that the court retains the authority to preserve order" — which in Wichita's case would require the ability to compel obedience to the court's decisions, no matter how untenable.

Kelly's abuse of authority is not unique. Cyrus Zal, legal counsel for Operation Rescue in California, was placed in San Diego county jail last Aug. 13. Zal had violated a decision by Municipal Judge Larrie Brainard forbidding the use of 21 words in defense of Operation Rescue activists. Those words included fetus, abortion, rescuer, baby, baby killer, kill, killer, murder, manslaughter, child slaughter, holocaust, genocide, Nazi, Hitler, and rights of the unborn. Zal proceeded with his defense as he saw fit, and was summarily thrown in jail. The action provoked not a single syllable of protest from the ACLU or other "civil liberties" groups.

The media line on Operation Rescue is that the organization is a "militant" group: the adjective has been used by CNN and CBS (and by KSL-TV) without an illustration of the organization's "mil-

itance." Rev. Jim Foreman of Wichita has observed that Judge Kelly, in his decision and through his contacts with the media, "has done everything to heighten the sense of violence" associated with Operation Rescue. But the group is invariably on the receiving end of any violence involved in its activities.

Viewers and readers of the news were subjected to endless recaps of the beating of ex-con Rodney King by officers of the Los Angeles police. Videotaped evidence of police brutality against Operation Rescue activists exists. The video "The Brutal Truth" depicts policemen dragging women by the hair, breaking the wrists and arms of non-compliant (but non-violent) protesters, and executing knee-drops upon the backs and necks of hand-cuffed protesters. "Militant" protesters would not submit to such abuse peacefully, as Operation Rescue has. Nor would a reasonably honest mass media dismiss footage of such abuses as less than newsworthy.

In 1974 the West German Supreme Court invalidated a liberal abortion law passed by the German legislature. It justified its decision in this fashion: "We know, from bitter experience, the enormities that result from the denial of the sanctity of human life, the assumption that some lives are 'worthless' and hence disposable at the whim of the individual or the will of the state." The enormities of Judges Kelly and Larrie, and those policemen who employ draconian force against Operation Rescue, testify that Roe vs. Wade may prove as lethal to constitutional government as it has to over 27 million unborn children.

Questionable Medicare bills go unnoticed

WASHINGTON — Congressional investigators recently listened in on 1,000 telephone calls to insurance carriers



Jack

Sen. David Pryor, D-Ark., chairman of the Senate Special Committee on Aging. A separate look at the problem by the

say that he will not be able to reform the Soviet economy to turn it into an efficient, modern society. And when that happens, he's likely to be replaced by somebody who will be far more hostile than he's been in terms of his attitude toward the West."

Following Cheney's statements, President Bush hastily assured the world that the United States wanted Gorbachev to succeed. "The administration chooses not to speculate" on his chances, White House spokesman Marlin Fitzwater said at the time.

Vice President Dan Quayle also seemed at times to be at odds with Bush's embrace of the Soviet leader. In December 1989 he warned that relations should not be based on one man and added: "Gorbachev will not, sometime down the road ... be the leader of the Soviet Union."

Former President Nixon weighed in with a warning two months ago in The Washington Post. "U.S. policies cannot be built on the fortunes of one man," he wrote, "even as outstanding a man as Gorbachev."

The administration has many staunch defenders, of course. "Our policies have been wise and prudent" and rightly focused on Gorbachev, former U.N. ambassador Jeane Kirkpatrick said after Monday's coup. "Gorbachev was a good example of the importance of individuals in history. He led the changes."

But a number of conservative Republican senators this week asserted they had longstanding concerns about Bush's approach among them D'Amato, Trent Lott of Mississippi, Malcolm Wallop of Wyoming and Bob Dole of Kansas.

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Some concern was given to increased traffic in the area. We have a new ball park that has already made the area the newest race track in central Utah County. There is a plan to build a new road to Provo Airport, so the traffic issue is not a problem. At least it's not if you consider