

May 31, 2009

Suspect in Tiller's death supported killing abortion providers, friends say

Judy L. Thomas
Kansas City Star

The suspect in custody for the slaying of Wichita abortion doctor George Tiller was a member of an anti-government group in the 1990s and a staunch opponent of abortion.

Scott P. Roeder, 51, of Merriam, Kan., a Kansas City suburb, was arrested on Interstate 35 near Gardner in suburban Johnson County, Kan., about three hours after the shooting. Tiller was shot to death around 10 a.m. inside Reformation Lutheran Church in Wichita.

In the rear window of the 1993 blue Ford Taurus that he was driving was a red rose, a symbol often used by abortion opponents. On the rear of his car was a Christian fish symbol with the word "Jesus" inside.

Those who know Roeder said he believed that killing abortion doctors was an act of justifiable homicide.

"I know that he believed in justifiable homicide," said Regina Dinwiddie, a Kansas City anti-abortion activist who made headlines in 1995 when she was ordered by a federal judge to stop using a bullhorn within 500 feet of any abortion clinic. "I know he very strongly believed that abortion was murder and that you ought to defend the little ones, both born and unborn."

Dinwiddie said she met Roeder while picketing outside the Kansas City Planned Parenthood clinic in 1996. Roeder walked into the clinic and asked to see the doctor, Robert Crist, she said.

"Robert Crist came out and he stared at him for approximately 45 seconds," she said. "Then he (Roeder) said, 'I've seen you now.' Then he turned his back and walked away, and they were scared to death. On the way out, he gave me a great big hug and he said, 'I've seen you in the newspaper. I just love what you're doing.'"

Roeder also was a subscriber to Prayer and Action News, a magazine that advocated the justifiable homicide position, said publisher Dave Leach, an anti-abortion activist from Des Moines, Iowa.

"I met him once, and he wrote to me a few times," Leach said. "I remember that he was sympathetic to our cause, but I don't remember any details."

Leach said he met Roeder in Topeka when he went there to visit Shelley Shannon, who was in prison for the 1993 shooting of Tiller.

"He told me about a lot of conspiracy stuff and showed me how to take the magnetic strip out of a five-dollar bill," Leach said. "He said it was to keep the government from tracking your money."

Roeder, who in the 1990s was a manufacturing assemblyman, also was involved in the "Freemen" movement.

"Freemen" was a term adopted by those who claimed sovereignty from government jurisdiction and operated under their own legal system, which they called common-law courts. Adherents declared themselves exempt from laws, regulations and taxes and often filed liens against judges, prosecutors and others, claiming that money was owed to them as compensation.

In April 1996, Roeder was arrested in Topeka after Shawnee County sheriff's deputies stopped him for not having a proper license plate. In his car, officers said they found ammunition, a blasting cap, a fuse cord, a one-pound can of gunpowder and two 9-volt batteries, with one connected to a switch that could have been used to trigger a bomb.

Jim Jimerson, supervisor of the Kansas City ATF's bomb and arson unit, worked on the case.

"There wasn't enough there to blow up a building," Jimerson said at the time, "but it could make several powerful pipe bombs...There was definitely enough there to kill somebody."

Roeder, who then lived in Silver Lake, Kan., was stopped because he had an improper license plate that read "Sovereign private property. Immunity declared by law. Non-commercial American." Authorities said the plate was typical of those used by Freemen.

Roeder was arraigned on one count of criminal use of explosives and misdemeanor charges of driving on a suspended license, failure to carry a Kansas registration and failure to carry liability insurance.

He was found guilty and sentenced in June 1996 to 24 months of probation with intensive supervision and ordered to dissociate himself from anti-government groups that advocated violence.

But in December 1997, his probation ended six months early when the Kansas Court of Appeals overturned his conviction. The court held that evidence against Roeder was seized by authorities during an illegal search of his car.

Morris Wilson, commander of the Kansas Unorganized Citizens Militia in the mid-1990s, said he knew Roeder fairly well.

"I'd say he's a good ol' boy except he was just so fanatic about abortion," said Wilson, who now lives in western Nebraska. "He was always talking about how awful abortion was. But there's a lot of people who think abortion is awful."

Suzanne James, former director of victim's services for Shawnee County, said she remembered Roeder.

"He was part of the One Supreme Court, a Freemen group based out of Shawnee County," James said. "He was fanatic about a lot of things. I went to one of his court appearances and thought,

'This guy is dangerous.' There were a lot of red flags that came up about him."

In recent years, someone using the name Scott Roeder has posted anti-Tiller comments on various Internet sites. One post, dated Sept. 3, 2007 and placed on a site sponsored by Operation Rescue called chargetiller.com, said that Tiller needed to be "stopped."

"It seems as though what is happening in Kansas could be compared to the 'lawlessness' which is spoken of in the Bible," it said. "Tiller is the concentration camp 'Mengele' of our day and needs to be stopped before he and those who protect him bring judgment upon our nation."

On May 19, 2007, a Scott Roeder commented on an invitation by Operation Rescue to join an event being held May 17-20 in Wichita, "the 'Nation's Abortion Capital,' to pray for an end to George R. Tiller's late-term abortion business and for all pre-born babies everywhere to once again come under the protection of law."

The post said: "Bless everyone for attending and praying in May to bring justice to Tiller and the closing of his death camp. Sometime soon, would it be feasible to organize as many people as possible to attend Tillers church (inside, not just outside) to have much more of a presence and possibly ask questions of the Pastor, Deacons, Elders and members while there? Doesn't seem like it would hurt anything but bring more attention to Tiller."

Posted on Sun, May. 31, 2009

Merriam man accused of killing Kansas abortion provider George Tiller

By JUDY L. THOMAS of The Kansas City Star and JOE RODRIGUEZ and STAN FINGER of The Wichita Eagle

A Johnson County man is expected to face charges today in Sunday's slaying of Wichita physician George Tiller, one of a handful of doctors in the United States who performed late-term abortions.

Scott P. Roeder, 51, of Merriam, was arrested on Interstate 35 near Gardner nearly four hours after Tiller was shot to death just after 10 a.m. in the lobby of Reformation Lutheran Church in Wichita. Roeder was a member of an anti-government group in the 1990s and a staunch abortion opponent.

"We took him down without incident," Lt. Mike Pfannenstiel of the Johnson County sheriff's office said of Roeder.

Tiller, 67, was shot once while serving as an usher at the church, where he was a longtime member. Paramedics pronounced him dead at the scene. Six to 12 people were in the foyer at the time of the shooting, and Tiller's wife was sitting with the choir downstairs.

Adam Watkins, 20, said he was seated in the middle of the congregation when he heard a "pop ... We just thought a child had come in with a balloon and it had popped."

Two men tried to apprehend the suspect, but the man pointed a gun at them and threatened them

before fleeing, authorities said.

The suspect's car, a 1993 powder blue Ford Taurus that was registered to Roeder, was spotted just south of Gardner by two Johnson County deputies. Authorities suspected that the shooter would be traveling on I-35 on his way to his Merriam home in the 5000 block of Knox Street, and deputies waited for him.

Pfannenstiel said deputies pulled the car over and got out with guns drawn. Roeder then got out of his car with his hands up. He had no weapon on him.

Authorities said they expected Roeder will be charged today in Sedgwick County with murder and two counts of aggravated assault. Federal charges also are possible.

Wichita Deputy Police Chief Tom Stolz said at a news conference Sunday that police will "investigate this suspect to the nth degree. His history, his family, his associates ... and we're just in the beginning stages of that."

Tiller had long been a focal point of protest by abortion opponents because his clinic, Women's Health Care Services, performed late-term abortions.

"It's a terrible loss. I'm just really sad about the whole thing," said a former employee of the clinic who asked not to be identified. "He was a great guy. I understand people were against a lot of what he did, but for those who he helped, they'll never forget the kind of person he was."

Following the shooting, Tiller's family issued a statement through his Wichita lawyers, Dan Monnat and Lee Thompson:

"Today we mourn the loss of our husband, father and grandfather. Today's event is an unspeakable tragedy for all of us and for George's friends and patients. ... This is particularly heart-wrenching because George was shot down in his house of worship, a place of peace."

'Sympathetic' to cause

In the rear window of the car that Roeder was driving when police stopped him was a red rose — a symbol that is often used by abortion opponents. On the rear of his car was a Christian fish symbol with the word "Jesus" inside.

Those who know Roeder told The Kansas City Star that he believed killing abortion doctors was an act of justifiable homicide.

"I know that he believed in justifiable homicide," said Regina Dinwiddie, a Kansas City abortion opponent who made headlines in 1995 when a federal judge ordered her to stop using a bullhorn within 500 feet of any abortion clinic. "I know he very strongly believed that abortion was murder and that you ought to defend the little ones, both born and unborn."

Roeder was a subscriber to Prayer and Action News, a magazine that advocated the justifiable homicide position, said publisher Dave Leach, an abortion opponent from Des Moines, Iowa.

"I met him once, and he wrote to me a few times," Leach said of Roeder. "I remember that he was sympathetic to our cause, but I don't remember any details."

Leach said he met Roeder in Topeka when he went there to visit Shelley Shannon, who was in prison for the 1993 shooting of Tiller.

"He told me about a lot of conspiracy stuff and showed me how to take the magnetic strip out of a five-dollar bill," Leach said. "He said it was to keep the government from tracking your money."

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Freemen movement.

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In April 1996, Roeder was arrested in Topeka after Shawnee County sheriff’s deputies stopped him for not having a proper license plate. The deputies said they searched the car and found ammunition, a blasting cap, a fuse cord, a one-pound can of gunpowder and two 9-volt batteries. One of the batteries was connected to a switch that could have been used to trigger a bomb.

Roeder was found guilty and sentenced in June 1996 to 24 months of probation with intensive supervision. He also was ordered to dissociate himself from anti-government groups that advocated violence.

But in December 1997, Roeder’s probation ended six months early when the Kansas Court of Appeals overturned his conviction. The court ruled that evidence against Roeder was seized by authorities during an illegal search of his car.

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“I’d say he’s a good ol’ boy, except he was just so fanatic about abortion,” said Wilson, who now lives in western Nebraska. “He was always talking about how awful abortion was. But there’s a lot of people who think abortion is awful.”

In recent years, someone using the name Scott Roeder had posted anti-Tiller comments on various Internet sites. One post, dated Sept. 3, 2007, and placed on a site sponsored by Operation Rescue called ChargeTiller.com, said that Tiller needed to be “stopped.”

“It seems as though what is happening in Kansas could be compared to the ‘lawlessness’ which is spoken of in the Bible,” the post read. “Tiller is the concentration camp ‘Mengele’ of our day and needs to be stopped before he and those who protect him bring judgment upon our nation.”

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A history of threats

Tiller and his clinic faced continuous threats and lawsuits. A Wichita jury ruled in March that Tiller was not guilty on 19 criminal charges he faced for allegedly violating a state law that required an independent second physician’s concurring opinion before performing later-term abortions.

Immediately following the ruling in the criminal case, the Kansas State Board of Healing Arts made public a similar complaint against Tiller that originally was filed in December 2008.

Thousands of protesters blockaded Tiller’s clinic during Operation Rescue’s “Summer of Mercy” protests in the summer of 1991, and Tiller was shot by Rachelle Shannon at his clinic in 1993. Tiller was wounded in both arms, and Shannon remains in prison for bombing abortion clinics in the Pacific Northwest.

Tiller's clinic also was bombed in June 1986, but no one was arrested in connection with that blast.

The clinic was severely vandalized early last month. Wires to security cameras and outdoor lights were cut, and vandals cut through the roof and plugged the building's downspouts. Rain caused thousands of dollars of damage.

Tiller reportedly had asked the FBI to investigate the incident.

On Sunday, numerous anti-abortion groups condemned Tiller's killing.

"We are shocked at this morning's disturbing news that Mr. Tiller was gunned down," said a statement issued by Operation Rescue, which is based in Wichita.

"Operation Rescue has worked for years through peaceful, legal means, and through the proper channels to see him brought to justice. We denounce vigilantism and the cowardly act that took place this morning. We pray for Mr. Tiller's family that they will find comfort and healing that can only be found in Jesus Christ."

Abortion-rights groups such as the National Organization for Women said that "women across the country have lost a champion today. The cold-blooded murder of Dr. George Tiller ... is a stark reminder that women's bodies are still a battleground, and health-care professionals are on the front lines."

More coverage inside

- A look at George Tiller's career. | **A6**
- Mike Hendricks on Tiller's death. | **A4**

@ Go to **KansasCity.com** for a photo gallery of George Tiller and videos from the scene, and to view and sign the online guestbook.

Suspect in Dr. Killing Well Known in Antiabortion Circles

The doctor killed Sunday, George Tiller, had survived a shooting in 1993.

By
ROBERT BARNES

PETER

SLEVIN

AND

Published: Sunday, May 31, 2009 at 10:22 p.m.

WICHITA, Kan. | Scott Roeder, identified as a suspect in Sunday's slaying of prominent Kansas late-term abortion provider George Tiller, is known in antiabortion circles as a man who believes that killing an abortion doctor is justifiable.



Dr. George Tiller

Two abortion opponents who had previously encountered Roeder, 51, said the Merriam, Kan., resident expressed support for their view that lethal force is not a criminal offense if it protects the lives

of unborn children.

Kansas authorities and FBI agents worked late into the night Sunday to piece together the details of Tiller's shooting, which happened as he distributed bulletins at Reformation Lutheran Church at the start of the 10 a.m. service.

After police spotted Roeder in a car that matched witness descriptions of a vehicle seen leaving the scene of the shooting, he was taken into custody and investigators began probing his background.

Wichita Deputy Police Chief Tom Stolz said the assailant apparently acted alone.

The FBI and the Kansas Bureau of Investigation are trying to determine whether others were part of the attack and whether the suspect had any connection to antiabortion groups.

Roeder was stopped by police about three hours after the shooting, some 170 miles away on Interstate 35. Authorities were bringing him Sunday night to Wichita, and said he could be charged in the case as early as Monday.

Acting on orders from Attorney General Eric Holder, who said the Obama administration will take "appropriate steps to help prevent any related acts of violence from occurring," the U.S. Marshals Service announced that it will begin protecting certain abortion clinics and doctors.

One group likely to receive protection is Planned Parenthood Minnesota, North Dakota, South Dakota, or PPMNS, which provides abortions and reproductive health services in the three states. In South Dakota, where no doctor is willing to perform elective abortions, Planned Parenthood flies in a doctor once a week from Minneapolis.

"In the wake of the tragic murder of Dr. George Tiller, PPMNS has accepted an offer to supplement our present security with support from the U.S. Marshals Service," said Sarah Stoesz, president of PPMNS. "It is critically important that we ensure the safety of our doctors, staff and patients."

As news of Roeder's arrest traveled, Kansas City activist Regina Dinwiddie remembered the day a dozen years ago when Roeder hugged her in glee after trying to frighten an abortion provider by staring him down inside a Planned Parenthood clinic.

"He grabbed me and said, 'I've read the Defensive Action Statement, and I love what you're doing,'" Dinwiddie said in a telephone interview. She was a signer of the 1990s statement, which declares that the use of force is justified.

"I said, 'You need to get out of here. You can get in a lot of trouble,'" Dinwiddie recalled.

Dinwiddie said she does not consider death of Tiller, the nation's most prominent provider of controversial late-term abortions, to be a homicide.

"I don't think he was murdered. I believe he was absolutely stopped in his tracks, and it was long overdue," Dinwiddie said. She declined to say when she last spoke with Roeder.

Dave Leach, a Des Moines antiabortion activist who also signed the statement, said Sunday night by telephone that he published some of Roeder's writings in "Prayer & Action News," which describes itself as "a trumpet call for the Armies of God to assemble."

Leach described Roeder as "anti-government" and said he once stopped to see Roeder in Kansas. At the time, Leach said, he was on his way home to Iowa after paying a prison visit to Rachelle "Shelley" Shannon, an abortion foe convicted of shooting Tiller in both arms outside his Wichita clinic 16 years ago.

Leach said he lost touch with Roeder and does not recall the specifics of his writings.

Tiller, 67, had performed abortions since the 1970s. He ran the Women's Health Care Services clinic, one of three in the nation to perform abortions after the point when a fetus is considered able to survive outside the womb.

The clinic had been the scene of frequent abortion protests and had served as the national focal point of antiabortion activists during Operation Rescue's "Summer of Mercy" protests in 1991.

June 1, 2009

Roeder Defender: "Christian Scripture...Would Support this"

June 1st, 2009, 12:35 PM EDT



Dave Leach, who runs an anti-abortion news letter to which the suspected George Tiller killer contributed, [defends his actions](#). Scott Roeder (right, in custody) was a subscriber and contributor to Leach's "Prayer and Action News".

Mr. Leach said he and Mr. Roeder had met once, and Mr. Roeder had described similar views to his own. Of Dr. Tiller's death, Mr. Leach said, "To call this a crime is too simplistic," adding, "There is Christian scripture that would support this."

[Roeder and Leach met](#) when they visited the woman who sot Tiller in 1993.

...Leach, said he met Roeder in Topeka when he went there to visit Shelley Shannon, who was in prison for shooting Tiller in both arms in 1993.

Roeder also wrote on the anti-abortion website, Operation Rescue:

“Bless everyone for attending and praying in May to bring justice to Tiller and the closing of his death camp. Sometime soon, would it be feasible to organize as many people as possible to attend Tillers church (inside, not just outside) to have much more of a presence and possibly ask questions of the Pastor, Deacons, Elders and members while there? Doesn’t seem like it would hurt anything but bring more attention to Tiller.”

Unlike its founder, Randall Terry, Operation Rescue has condemned Tiller’s killing.

Posted in [Liberaland](#) by Alan
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Responses to this post...

1. Jesus Wept.



[Kregg](#)

June 1st, 2009 at 1:08 pm

Reply:

True...

[EricG](#)

June 1st, 2009 at 3:02 pm

Reply:

He is still crying. Crying for those who use his name to justify hatred, bigotry and violence. All these people are right wingers and conservatives. They are not fit to call themselves Christians, in my view.

Posted

by

[4moreyears](#)

[June 1st, 2009 at 12:50 pm](#)

2. Taliban likeness with a different God and set of scripture references.

Mullah

Randall

Terry.

Mullah Dave Leach.

Both are on a jihad.



[blissfulconservative](#)

June 1st, 2009 at 12:56 pm

Reply:

And what type of Jihan is Tiller on?

[average](#)

[james](#)

Reply:

June 1st, 2009 at 1:17 pm

Tiller was the infidel.

Posted by [average](#) [james](#)
[June 1st, 2009 at 12:53 pm](#)

3. "Christianity" is a cancer rotting out the heart of America, and DHS better get busy cutting out the malignancies.



[Kregg](#)

June 1st, 2009 at 1:30 pm

Reply:

Rock: "Christianity" is a cancer rotting out the heart of America, and DHS better get busy cutting out the malignancies.

K: Just like "atheism" is eating out the heart of society.

K: Christianity can be practiced as badly as atheism. Now, the greater question is whether there's any truth to the claim that Tiller's killing was supported scripturally. I say that it does not.



[craig7120](#)

June 1st, 2009 at 1:51 pm

Reply:

I really know better than to do this, but here it goes.

K: Just like "atheism" is eating out the heart of society.

above story tells how this Roeder guy 'might' have used scripture as a defense. Kregg you give atheists way more credit than I would, but please show me an example how an atheist is currently eating the heart out of society.

Wonder if Tiller was a church going atheist?



[Kregg](#)

June 1st, 2009 at 1:59 pm

Reply:

Craig said: I really know better than to do this, but here it goes.

K: ;-)

K prv: Just like "atheism" is eating out the heart of society.

C: above story tells how this Roeder guy 'might' have used scripture as a defense. Kregg you give atheists way more credit than I would, but please show me an example how an atheist is currently eating the heart out of society.

K: Not AN atheist but atheism as a cultural force is 'eating out the heart of society' by slowly dragging common societal beliefs and practices away from the morals of 'good' and 'bad' as brought forth in the bible and thousands of years of christian development. Not that all christians are 'good' and all atheists are 'bad' but blurring and ultimately eliminating the concepts of good and bad have led us to an acceptance that to kill unborn children for expediency is 'good'.

C: Wonder if Tiller was a church going atheist?

K: I suspect he was a committed christian. I WOULD have liked to hear him reconcile abortion with Christ's principles, though...



[craig7120](#)

June 1st, 2009 at 2:18 pm

Reply:

Ok but after a thousand years of christian development when can I expect it to get better? Another thousand or so?

Im not goin to blame xtians for this guy. But his beliefs are suspect in his actions wouldnt you say?



[craig7120](#)

June 1st, 2009 at 2:39 pm

Reply:

Not that all christians are 'good' and all atheists are 'bad' but blurring and ultimately eliminating the concepts of good and bad have led us to an acceptance that to kill unborn children for expediency is 'good'

who is calling abortion good ? See now this is where a fight can break out.. insinuating that pro choice ppl. think abortion is good.



[Kregg](#)

June 1st, 2009 at 3:13 pm

Reply:

Craig said: Ok but after a thousand years of christian development when can I expect it to get better? Another thousand or so?

K: Look at the progress thats been made in 2000 years, Craig. We don't condone slavery, we don't throw people to lions, we don't cook and eat people. We have built stable governments based on christian principles that have promoted progress and advancement. What level of progress do you require before you admit the good that has come about in the name of christianity?

C: Im not goin to blame xtians for this guy. But his beliefs are suspect in his actions wouldnt you say?

K: I completely agree. Thats why I'd like to hear his justification.



[craig7120](#)

June 1st, 2009 at 4:10 pm

Reply:

Kregg,

Religion does some very good things I will admit that freely as an atheist. But all those good things could be accomplished by other means unconnected to the idea 'our god is the only god, we are right because it says so in our book'. This idea which originated in the middle east,

fundamental to so many other organised religions just creates more divisions in the world, another wall to break down. It's also a vehicle to allow some very bad people a lot of undeserved power and have control over a great many people. No need to give ya a laundry list.

While I dont know what this man will say I have a pretty good guess. His god made him do it is the short answer I expect to hear.



Kregg

June 1st, 2009 at 4:25 pm

Reply:

Craig said: Religion does some very good things I will admit that freely as an atheist. But all those good things could be accomplished by other means unconnected to the idea 'our god is the only god, we are right because it says so in our book'.

K: I agree. However, not all christians say this. To tar and feather the whole of christianity by the actions of SOME of it's adherents isn't really accurate or fair. Each of us SHOULD have reasons for our beliefs - whether they be theistically base or A-theistically based. And, each has a right to contribute his beliefs to the common public pool of ideas, laws, and societal norms.

C: This idea which originated in the middle east, fundamental to so many other organised religions just creates more divisions in the world, another wall to break down. It's also a vehicle to allow some very bad people a lot of undeserved power and have control over a great many people. No need to give ya a laundry list.

K: I think this gun shoots both ways. There are a lot of atheistic dictators out there that are promoting 'divisions in the world' and are just as much a 'wall to break down' as is Theism. And, I will readily agree - there are a lot of people hiding behind both philosophies that can and do give those philosophies a bad name.

C: While I dont know what this man will say I have a pretty good guess. His god made him do it is the short answer I expect to hear.

K: Naw, he's smarter than that. He would probably claim that it is legal so, therefore it is ethical, and that doing so saves a lot of heartache for the mother-to-was. I doubt he would even try to justify it against the CONCEPTs of the bible.



blissfulconservative

June 1st, 2009 at 1:38 pm

Reply:

You are anti-Christian Rocky. pure and simple. You hate Christians. I would say the cancer rotting out the heart of America is people like you who aren't tolerant of other's beliefs.

EricG

June 1st, 2009 at 3:07 pm

Reply:

"I would say the cancer rotting out the heart of America is people like you who aren't tolerant of other's beliefs."

Okay, I agree. But you'd got that gun pointed in a funny direction. Your party tells us that gays are second-class citizens not worthy of equal treatment under the law, that foreign nations are ours to invade at our leisure and whim, that liberals are trying to destroy the schools, that secularism is coming to tear the church apart and finally that partisanship bickering is a valid

political stance.

I am with you in so far as we all need to find the strength to tolerate the views we don't hold ourselves that we find threatening but I honestly can't think even ONE conservative or Republican who is fit to stand up and say such a thing without the fires of hypocrisy abounding all around them.



[bobfrommadison](#)

June 1st, 2009 at 4:07 pm

Reply:

Eric-Your party tells us that gays are second-class citizens not worthy of equal treatment under the law...

What gay person is denied equal treatment? As far as I know, gay people CAN marry...they refuse to marry those they can under the law. Therefore, no 2nd class citizenship.

..that foreign nations are ours to invade at our leisure and whim...

No, only those those that are in violation of ceasefires to which they have agreed...and those that harbor terrorists. Try again.

Posted by [Rocky](#) [the](#) [Liberal](#) [Rottweiler](#)
[June 1st, 2009 at 1:26 pm](#)

4. These terrorist acts are being promoted by Foxy news: el reilly, beck, sean, rush ect.

[EricG](#)

June 1st, 2009 at 3:12 pm

Reply:

Don't forget our resident conservatives of Liberaland coming to defend a murderer.

Never ceases to amaze me how conservatives change their positions as the wind changes.



[Kregg](#)

June 1st, 2009 at 3:14 pm

Reply:

The Eric said: Don't forget our resident conservatives of Liberaland coming to defend a murderer.

K: Who is defending a murderer?



[flap](#)

June 1st, 2009 at 3:33 pm

Reply:

Who is defending a murderer, EricG? Which conservative or conservatives?

Posted by [pierre](#)
[June 1st, 2009 at 3:04 pm](#)

5. Had Tiller been where he belonged, he would be alive today...IN PRISON!



[Kregg](#)

June 1st, 2009 at 3:36 pm

Reply:

Bob said: Had Tiller been where he belonged, he would be alive today...IN PRISON!

K: LOL! Good luck selling that to the true believers on this board...

Posted

by

[bobfrommadison](#)

[June 1st, 2009 at 3:33 pm](#)

6. 'Christian progress' is an oxymoron. A thousand years of stagnation. Christians have supported slavery(biblical), Supported polygamy (biblical), subjection of women (biblical), genocide against Native Americans (biblical), resisted birth controls, medical advancements, voting rights for women and blacks, and the list goes on.



[Kregg](#)

June 1st, 2009 at 4:30 pm

Reply:

Boogie said: 'Christian progress' is an oxymoron.

K: While some on this board are just plain ol' morons...

Posted

by

[Boogieman](#)

[June 1st, 2009 at 4:23 pm](#)

7. Tiller has done nothing illegal. He dies as a martyr to freedom; killed by a good 'christian' warrior in the army of god.



[Kregg](#)

June 1st, 2009 at 4:30 pm

Reply:

Boogie said: Tiller has done nothing illegal.

K: Well said.

Posted

by

[Boogieman](#)

[June 1st, 2009 at 4:25 pm](#)

Man charged in death of Kansas abortion provider

By ROXANA HEGEMAN, The Associated Press

WICHITA, Kan. - An activist abortion opponent was charged Tuesday with first-degree murder in the death of late-term abortion provider Dr. George Tiller, and the prosecutor said the evidence in the case ruled out the death penalty. Scott Roeder, 51, was shown via a video link from the Sedgwick County Jail. He fiddled with the charging documents on a podium in front of him, and said "OK" three times as Judge Ben Burgess read the charges and explained the court process.

Burgess ordered Roeder to be held without bond and said he was not allowed to communicate

with Tiller's family or two witnesses he allegedly assaulted. The judge told Roeder that he would be assigned a public defender.

"And I'll obviously be hearing from one of those lawyers between now - or do you know how long it will be before I hear from one of those lawyers?" Roeder said.

Within two days, the judge answered to Roeder's only question in the brief appearance. A preliminary hearing is set for June 16.

If convicted on the murder charge, Roeder would face a mandatory life sentence and would not be eligible for parole for at least 25 years.

Sedgwick County District Attorney Nola Foulston would not release any details of the crime at a news conference after the hearing, but said evidence against Roeder ruled out the death penalty.

Roeder is accused of shooting Tiller to death Sunday at the doctor's Lutheran church in Wichita as he was serving as an usher. Roeder also was charged with aggravated assault for allegedly threatening two people who tried to stop him.

Roeder was arrested about three hours after the shooting near Gardner, about 170 miles northeast of Wichita. His last known address is in Kansas City, Mo.

Roeder's family life began unraveling more than a decade ago when he got involved with anti-government groups, and then became "very religious in an Old Testament, eye-for-an-eye way," his former wife, Lindsey Roeder, told The Associated Press.

"The anti-tax stuff came first, and then it grew and grew. He became very anti-abortion," said Lindsey Roeder, who was married to Scott Roeder for 10 years but "strongly disagrees with his beliefs." They divorced in 1996 and have one son, now 22.

Roeder's brother, David, also said he suffered from mental illness at various times in his life.

Someone using the name Scott Roeder posted comments about Tiller on anti-abortion Web sites, including one that referred to the doctor as the "concentration camp Mengele of our day" - a reference to the Nazi doctor who performed ghastly medical experiments on Jews and others at Auschwitz. The posting said Tiller "needs to be stopped before he and those who protect him bring judgment upon our nation."

Tiller's death has focused attention on the availability of third-trimester abortions, as the few remaining providers age with little interest from new doctors to offer such services.

Tiller's family says there were no plans yet to reopen his Wichita clinic, despite earlier comments from Dr. LeRoy Carhart, one of four physicians who worked at the clinic.

Funeral services for Tiller are planned for 10 a.m. Saturday at College Hill United Methodist Church.

Associated Press writers Maria Sudekum Fisher reported from Kansas City, Mo.; Dana Fields in Kansas City, Kan.; Hillary Lehman in Miami and Timothy R. Brown in Jackson, Miss., contributed.
June 1, 2009

Abortion Doctor Shot to Death in Kansas Church

By JOE STUMPE and [MONICA DAVEY](#)

WICHITA, Kan. — [George Tiller](#), one of only a few doctors in the nation who performed abortions late in pregnancy, was shot to death here Sunday in the foyer of his longtime church as he handed out the church bulletin.

The authorities said they took a man into custody later in the day after pulling him over about 170 miles away on Interstate 35 near Kansas City. They said they expected to charge him with murder on Monday.

The Wichita police said there were several witnesses to the killing, but law enforcement officials would not say what had been said, if anything, inside the foyer. Officials offered little insight into the motive, saying that they believed it was “the act of an isolated individual” but that they were also looking into “his history, his family, his associates.”

A provider of abortions for more than three decades, Dr. Tiller, 67, had become a focal point for those around the country who opposed it. In addition to protests outside his clinic, his house and his church, Dr. Tiller had once seen his clinic bombed; in 1993, an abortion opponent shot him in both arms. He was also the defendant in a series of legal challenges intended to shut down his operations, including two grand juries that were convened after citizen-led petition drives.

On Sunday morning, moments after services had begun at [Reformation Lutheran Church](#), Dr. Tiller, who was acting as an usher, was shot once with a handgun, the authorities said. The gunman pointed the weapon at two people who tried to stop him, the police said, then drove off in a powder-blue Taurus. Dr. Tiller’s wife, Jeanne, a member of the church choir, was inside the sanctuary at the time of the shooting.

The police in Wichita described the man who was detained as a 51-year-old from Merriam, a Kansas City suburb, but declined to give his name until he was charged. The Associated Press reported that a sheriff’s official from Johnson County, Kan., where the man was taken into custody, identified him as Scott Roeder.

The killing of Dr. Tiller is likely to return the issue of abortion to center stage in the nation’s political debate. Until recently, [President Obama](#), who supports abortion rights, had largely sought to avoid the debate. Last month, he confronted the issue in a commencement speech at the [University of Notre Dame](#), an appearance that drew protests because of his views. During the speech, he appealed to each side to respect one another’s basic decency and to work together to reduce the number of unwanted pregnancies.

Mr. Obama issued a statement after Dr. Tiller’s killing, saying, “However profound our differences as Americans over difficult issues such as abortion, they cannot be resolved by heinous acts of violence.”

Advocates of abortion rights denounced the killing, saying it would send a renewed, frightening signal to others who provide abortions or work in clinics and to women who may consider abortions. Some described Dr. Tiller as one of about only three doctors in the country who had, under certain circumstances, provided abortions to women in their third trimester of pregnancy, and said his death would mean that women, particularly in the central United States, would have few if any options in such cases.

“This is a tremendous loss on so many levels,” said Peter B. Brownlie, president of [Planned Parenthood of Kansas and Mid-Missouri](#), who had known Dr. Tiller for years.

Opponents of abortion, including those here who have been most vociferous in their protests of Dr. Tiller and his work, also expressed outrage at the shooting and said they feared that their groups might be wrongly judged by the act.

Troy Newman, the president of [Operation Rescue](#), an anti-abortion group based in Wichita, said he had always sought out “nonviolent” measures to challenge Dr. Tiller, including efforts in recent years to have him prosecuted for crimes or investigated by state health authorities.

“Operation Rescue has worked tirelessly on peaceful, nonviolent measures to bring him to justice through the legal system, the legislative system,” Mr. Newman said, adding, “We are pro-life, and this act was antithetical to what we believe.”

By late Sunday, Mr. Newman said, some were already suggesting that there were links between the suspect and Operation Rescue. Someone named Scott Roeder had made posts to the group’s blog in the past, Mr. Newman said, but “he is not a friend, not a contributor, not a volunteer.”

Dr. Tiller’s death is the first such killing of an abortion provider in this country since 1998, when Dr. [Barnett Slepian](#) was shot by a sniper in his home in the Buffalo area. Dr. Tiller was the fourth doctor in the United States who performed abortions to be killed in such circumstances since 1993, [statistics from abortion rights’ groups show](#).

Although most of the deadly violence occurred in the 1990s, advocates said, abortion clinics and doctors have continued to be the targets of intense, sometimes threatening protests. Some said they feared that Dr. Tiller’s death might signal a return to the earlier level of violence. At some clinics on Sunday, administrators were reviewing their security precautions.

Adam Watkins, 20, one of the church members, told The A.P. he was seated in the middle of the congregation when he heard a small pop at the start of the service. An usher came in and told the congregation to remain seated, and then escorted Mrs. Tiller out. “When she got to the back doors, we heard her scream,” Mr. Watkins said.

Dr. Tiller had long been at the center of the abortion debate here, one that rarely seemed to quiet much in this southern Kansas city of about 358,000.

In 1993, Rachele Shannon, from rural Oregon, shot Dr. Tiller in both arms. Two years earlier, during Operation Rescue’s “Summer of Mercy” protests, thousands of anti-abortion protesters tried to block off the clinic, the site of a bombing in 1986.

Friends of Dr. Tiller also described regular incidents of vandalism at the clinic, and a barrage of threats to him and his family — threats they say had concerned him deeply for years.

Family members, including 4 children and 10 grandchildren, issued a statement through Dr. Tiller’s lawyer, which read in part: “George dedicated his life to providing women with high-quality health care despite frequent threats and violence. We ask that he be remembered as a good husband, father and grandfather and a dedicated servant on behalf of the rights of women everywhere.”

In recent years, Dr. Tiller had also been the focus of efforts by anti-abortion groups and others — including a former state attorney general, Phill Kline — who wished to see him prosecuted for what they considered violations of state law in cases of late-term abortions.

Two grand juries, summoned by citizen-led petition drives, looked into Dr. Tiller’s practices, including questions of whether he met a state law requirement that abortions at or after 22 weeks of pregnancy be limited to circumstances where a fetus would not be viable or a woman would otherwise

face “substantial and irreversible impairment of a major bodily function” — words whose interpretation were at the root of much debate.

This year, Dr. Tiller was acquitted in a case that raised questions about whether he was too closely tied to a doctor from whom he sought second opinions in abortion cases. As recently as this spring, the State Board of Healing Arts was investigating a similar complaint against him.

Joe Stumpe reported from Wichita, Kan., and Monica Davey from Chicago.



The Tiller Murder Wasn't a Lone Killer's Sick Plot; It Came Out of the Radical Anti-Abortion Movement

By Jill Filipovic, Comment Is Free

Posted on June 1, 2009, Printed on December 25, 2009

<http://www.alternet.org/story/140387/>

[George Tiller](#), a Kansas physician, was [shot to death in church on Sunday](#). He was one of only a handful of doctors in the [United States](#) providing late-term therapeutic abortions for women in need -- women whose pregnancies threatened their lives or their health, and women who learned that they were carrying fetuses with severe abnormalities. Women traveled across the country to see Tiller when their own physicians and local medical providers couldn't help them. For many women, Tiller was, [as one of his patients put it](#), "the one shining light in the worst week of my life".

He was also a major lightning-rod in the [abortion](#) wars. Anti-choicers harassed his patients, day in and day out. They bombed his clinic. They shot him once before. They filed lawsuit after lawsuit and even convinced local prosecutors to launch criminal investigations and trials (none were successful). They published his home address and the full names of his family members on their websites. [They posted information about anyone who did business with him](#), from where he got his coffee to where he did his dry cleaning.

They had him and his staff wearing bullet-proof vests to work every day. Tiller drove an armored car and protected his home with a state-of-the-art security system. And, to better enable stalking and harassment, they posted his daily comings and goings -- including the fact that he attended services every Sunday at Reformation Lutheran Church, the place where he was ultimately shot and killed.

All because he was a licensed physician who performed legal medical procedures.

Not surprisingly, his killer is strongly suspected to be affiliated with the "pro-life" movement. If that's the case, it makes Tiller the [10th](#) person in the United States to be murdered by anti-choice terrorists.

And that's just the tip of the iceberg. Since 1977, there have been at least [17 attempted murders](#), [383 death threats](#), [153 incidents of assault or battery](#) and [three kidnappings](#) committed against abortion providers in North America. Tiller himself survived an assassination attempt in 1993.

Some pro-life groups are issuing statements of condemnation and attempting to paint this murder as the work of an extremist. But this latest act of terrorism is, sadly, not an anomaly. It is part of a clearly-established pattern of harassment, intimidation and violence against abortion providers and pro-choice individuals. And mainstream pro-life groups shoulder much of the blame.

Pro-life organizations routinely refer to abortion as "[murder](#)", a "[genocide](#)" and a "[holocaust](#)". They post the full names abortion providers on their websites, along with their addresses, their license plate numbers, their photos, the names of children and the schools those children attend (sometimes with helpful [Wild-West-style "Wanted" posters](#) offering \$5,000 rewards).

When you convince your followers that abortion providers are the equivalent of SS officers slaughtering innocents by the millions, [tell them](#) that "it's all-out WAR" against pro-choicers and then provide the home addresses and personal information of the "monster" "late-term baby-killer" abortion providers you're supposedly at war against, you can't act surprised when those followers conclude that it's morally justified to use the information to kill doctors.

[These are not fringe groups](#). Conservative television personality [Bill O'Reilly called Tiller's clinic](#) a "death mill", [referred to Tiller](#) as a "baby killer" who was "executing babies about to be born" and said Tiller was doing "Nazi stuff" for which he "had blood on his hands".

Frank Pavone, a Roman Catholic priest, member of James Dobson's Focus on the Family and director of Priests for Life, [posted a YouTube video on Sunday](#) to say that he "abhors" the violence committed against Tiller but "we just don't know and we shouldn't jump to conclusions" in assuming that an anti-choice terrorist may have murdered Tiller -- although, he concedes, someone may have assassinated him "in order to stop Tiller from killing more babies". He continued: "When we talk about abortion, we are talking about killing. There's no two ways about it. ... This is a massive holocaust, it is killing."

Pavone is [chummy](#) with Operation Rescue founder Randall Terry, who had [this to say](#) about Tiller's assassination:

George Tiller was a mass-murderer. We grieve for him that he did not have time to properly prepare his soul to face God. I am more concerned that the Obama administration will use Tiller's killing to intimidate pro-lifers into surrendering our most effective rhetoric and actions. Abortion is still murder. And we still must call abortion by its proper name: murder.

Those men and women who slaughter the unborn are murderers according to the law of God. We must continue to expose them in our communities and peacefully protest them at their offices and homes, and yes, even their churches.

That's some definition of "peacefully protesting".

[The prime suspect in Tiller's murder](#) appears to have frequented the Operation Rescue website (which had it's own "Tiller Watch" section), and took part in some of those "peaceful protests" that anti-

choicers hold so dear. Far from a random extremist, he appears to have been fairly entrenched in the anti-choice movement.

And if he is the person who murdered Tiller, he isn't alone among pro-lifers who embrace Terry's [directive](#) that "If you think abortion is murder, act like it." (After all, Terry has posited, "Wouldn't it have been OK to kill Hitler if you knew you could save millions of Jews?").

Self-identified pro-lifers have [celebrated](#) Tiller's murder, leaving hundreds of comments on rightwing blogs (and a good number at progressive and pro-choice blogs, just for good measure). Conservative writer LaShawn Barber [gloated](#) at the "irony" of "Tiller the child killer, cultivator of death" being murdered at church. A quick perusal of the front page of ProLifeBlogs.com includes such headlines as "George Tiller has killed his last baby," "Baby killer Tiller shot, killed at church," "Tiller the Killer killed," "Today Tiller the Killer, now a martyr for Molech, met God" and "Tiller shot to death!"

These are not "bad apples". They are symptomatic of (and sometimes the spokespeople for) a larger a movement that is disturbed and dangerous.

While individuals who self-identify as pro-life may be well-meaning and against violence, mainstream pro-life groups and the people who run them do [not care about life, before or after birth](#). And while today anti-choice groups are half-heartedly condemning Tiller's murder, they continue to use the same outlandish and inflammatory rhetoric that inspired and enabled it.

Words mean things. Anti-choicers should certainly have every right to express their views, but they must also realize that actions have consequences and their rhetoric is not harmless. If you yell "Fire!" in a crowded theater, it's reasonably foreseeable that people will panic and someone will be injured. And if you yell "Murderer!" "Baby-Killer!" and "Holocaust!" long enough, it's reasonably foreseeable that someone will take it upon themselves to make sure that vigilante justice is done (especially if you provide the name and address of the person who you claim is committing "genocide").

This was not the act of a lone extremist. It is one more act of violence to add to a long, long list of crimes committed by anti-choice terrorists, and it is the logical outcome of years of increasingly violent, dehumanizing and threatening rhetoric and action on the part of supposedly mainstream pro-life groups. The responsibility for George Tiller's death surely falls on the shoulders of the person who actually pulled the trigger. But when pro-life groups did everything but give him a gun, their hands are hardly clean.

Jill Filipovic is a lawyer in Manhattan who formerly served as the Gender and Reproductive Justice editor at AlterNet. More of her writing is available online at her blog, [Feministe](#).

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View this story online at: <http://www.alternet.org/story/140387/>

June 2, 2009

June 2, 2009

Suspect Is Identified in Killing of Abortion Doctor

By JOE STUMPE and [MONICA DAVEY](#)

WICHITA, Kan. — The suspect in the fatal shooting of one of the nation's only doctors to perform late-term abortions had professed an anti-government, anti-abortion philosophy in years past, some who knew him said on Monday.

Scott Roeder, 51, of Merriam, Kan., whom authorities have described as a suspect in Sunday's fatal shooting here of [George Tiller](#), was once a subscriber and occasional contributor to a newsletter, Prayer and Action News, said Dave Leach, an anti-abortion activist from Des Moines who runs the newsletter. Mr. Leach said that he had met Mr. Roeder once, and that Mr. Roeder had described similar views to his own on abortion.

Commenting on Dr. Tiller's death, Mr. Leach said, "To call this a crime is too simplistic." He added, "There is Christian scripture that would support this."

In a statement issued on Monday to The Topeka Capital-Journal, Mr. Roeder's brother, David, said the suspect had "suffered from mental illness at various times in his life," the newspaper reported.

"We are shocked, horrified and filled with sadness at the death of Dr. Tiller and the circumstances surrounding it that may have involved Scott Roeder," the statement read. "We know Scott as a kind and loving son, brother and father who suffered from mental illness at various times in his life. However, none of us ever saw Scott as a person capable of or willing to take another person's life. Our deepest regrets, prayers and sympathy go out to the Tiller family during this terrible time."

Attorney General [Eric H. Holder Jr.](#) has ordered increased security from the United States Marshals Service for several individuals and facilities after the killing of Dr. Tiller. Administrators at some clinics also said they were reviewing their security precautions.

The 67-year-old Dr. Tiller was one of only a few doctors in the nation who performed abortions late in pregnancy, and had been a focal point for abortion opponents for decades. He was shot to death in the foyer of his longtime church as he handed out the church bulletin.

In addition to protests outside his clinic, his house and his church, Dr. Tiller, a provider of abortions for more than three decades, had once seen his clinic bombed. In 1993, an abortion opponent shot him in both arms. He was also the defendant in a series of legal challenges intended to shut down his operations, including two grand juries that were convened after citizen-led petition drives.

Lee Thompson, a lawyer who represented Dr. Tiller and knew him for 15 years, said he was conscious of security concerns, but never cowed by them. He never left the house without a pin that read, "Attitude Is Everything," Mr. Thompson said on Monday. "He was aware of the danger, but he and his family refused to be intimidated. It was an issue, no question. But not one that drove his life."

Mr. Thompson said Dr. Tiller took "substantial" security precautions, but declined to talk more about those precautions.

The Wichita police said there were several witnesses to the killing, but law-enforcement

officials would not say what had been said, if anything, inside the foyer. Officials offered little insight into the motive, saying that they believed it was “the act of an isolated individual” but that they were also looking into “his history, his family, his associates.”

Mr. Roeder was taken into custody later in the day by law-enforcement authorities after they pulled him over about 170 miles away, on Interstate 35 near Kansas City, and was taken overnight to Wichita. Although the police had predicted that charges would be filed on Monday, the local county prosecutor said Monday morning that it would take longer.

On Sunday morning, moments after services had begun at Reformation Lutheran Church, Dr. Tiller, who was acting as an usher, was shot once with a handgun, the authorities said. The gunman pointed the weapon at two people who tried to stop him, the police said, then drove off in a powder-blue Taurus. Dr. Tiller’s wife, Jeanne, a member of the church choir, was inside the sanctuary at the time of the shooting.

Adam Watkins, 20, one of the church members, told The A.P. he was seated in the middle of the congregation when he heard a small pop at the start of the service. An usher came in and told the congregation to remain seated, and then escorted Mrs. Tiller out. “When she got to the back doors, we heard her scream,” Mr. Watkins said.

The killing of Dr. Tiller is likely to return the issue of abortion to center stage in the nation’s political debate. Until recently, [President Obama](#), who supports abortion rights, had largely sought to avoid the debate. Last month, he confronted the issue in a commencement speech at the [University of Notre Dame](#), an appearance that drew protests because of his views. During the speech, he appealed to each side to respect one another’s basic decency and to work together to reduce the number of unwanted pregnancies.

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“This is a tremendous loss on so many levels,” said Peter B. Brownlie, president of [Planned Parenthood](#) of Kansas and Mid-Missouri, who had known Dr. Tiller for years.

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Troy Newman, the president of Operation Rescue, an anti-abortion group based in Wichita, said he had always sought out “nonviolent” measures to challenge Dr. Tiller, including efforts in recent years to have him prosecuted for crimes or investigated by state health authorities.

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the past, Mr. Newman said, but “he is not a friend, not a contributor, not a volunteer.”

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Dr. Tiller’s death is the first such killing of an abortion provider in this country since 1998, when Dr. [Barnett Slepian](#) was shot by a sniper in his home in the Buffalo area. Dr. Tiller was the fourth doctor in the United States who performed abortions to be killed in such circumstances since 1993, statistics from abortion rights’ groups show.

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Dr. Tiller had long been at the center of the abortion debate here, one that rarely seemed to quiet much in this southern Kansas city of about 358,000.

In 1993, Rachele Shannon, from rural Oregon, shot Dr. Tiller in both arms. Two years earlier, during Operation Rescue’s “Summer of Mercy” protests, thousands of anti-abortion protesters tried to block off the clinic, the site of a bombing in 1986.

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In recent years, Dr. Tiller had also been the focus of efforts by anti-abortion groups and others — including a former state attorney general, Phill Kline — who wished to see him prosecuted for what they considered violations of state law in cases of late-term abortions.

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This year, Dr. Tiller was acquitted in a case that raised questions about whether he was too closely tied to a doctor from whom he sought second opinions in abortion cases. As recently as this spring, the State Board of Healing Arts was investigating a similar complaint against him.

Joe Stumpe reported from Wichita, Kan., Monica Davey from Chicago and Neil A. Lewis from Washington.

Tiller's Killing Puts Abortion Issue Back in Spotlight

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Slaying Raises Fears on Both Sides of Abortion Debate

By Peter Slevin

Washington Post Staff Writer

Tuesday, June 2, 2009

WICHITA, June 1 -- As the U.S. Marshals Service moved to protect abortion clinics and doctors nationwide, the fatal shooting of the country's most prominent provider of late-term abortions reignited a national debate about reproductive rights.

Supporters of the right to legal abortion worried Monday that the killing of George Tiller in his Wichita church could foretell fresh protests and violence even as many abortion opponents fretted that his death could hurt their image and cause.

Although mainstream antiabortion groups largely condemned Sunday's shooting, Operation Rescue founder Randall A. Terry called Tiller a mass murderer who "reaped what he sowed." Terry said the antiabortion movement is facing irrelevance and must use "confrontational" tactics and "highly charged rhetoric."

Nancy Keenan, president of

NARAL Pro-Choice America, said antiabortion groups should soften their words.

She said the killing was "not an isolated incident. It is part of an ongoing pattern of hateful rhetoric that unfortunately can lead to violence."

In Wichita, dozens of mourners left flowers outside Tiller's clinic, where an American flag flew at half-staff. Across town, the man accused of killing the doctor awaited formal charges in the Sedgwick County jail.

Scott Roeder was arrested on an interstate a few hours after an assailant fired a single bullet from a handgun at Tiller at Reformation Lutheran Church as he handed out church bulletins. Roeder, suspected of acting alone, has emerged as a fierce abortion opponent once arrested with bomb components in his car.

Fellow abortion opponents described Roeder as a foot soldier convinced that killing an abortion doctor is not a crime because it saves the lives of unborn children. In a 2007 Internet posting, a person identifying himself as "Scott Roeder" said Tiller is "the concentration camp 'Mengele' of our day and needs to be stopped."

One doctor remembers Roeder confronting him inside a Planned Parenthood clinic in Kansas City in the 1990s after first asking for him by name.

"I came out and he stepped up about six inches from me and said, 'Now I know what you look like,' and turned and walked out of the building," said Robert Crist, 73, adding that he had put the incident out of his mind until Sunday. "It really does send a chill down my spine. You wonder, 'Was I a target?' "

Crist has endured shotgun blasts at his home and picketers at his clinic. He was once knocked down and pummeled by protesters. Since Tiller's killing, he said, he has been pondering whether to stop performing abortions.

"I don't want to be forced out," Crist said. "But it impacts my wife and family, and I've had discussions with them, saying, 'Isn't retirement time about here?' "

"

Tiller, shot once before by an antiabortion crusader, in 1993, and witness to the chaos of more than 2,000 arrests outside his clinic in the 1991 "Summer of Mercy," reportedly became worried last month about a return of trouble after his clinic was vandalized. Someone scaled the fence, cut wires to knock out lights and surveillance cameras, then sliced holes in the roof and plugged drain pipes to allow rain to pour in, Dan Monnat, Tiller's attorney, said in an interview.

Tiller alerted the FBI, Monnat said. The lawyer said that the clinic is closed for mourning but that doctors intend to reopen next week to serve women who "came to Dr. Tiller because they had nowhere else to turn."

"He often expressed fear about his patients or his family, but I never saw him fear for himself or even flinch," Monnat said. "He was a very dedicated, courageous, compassionate man who devoted his life to serving women patients and honoring their constitutional right to choose."

In accepting the Obama administration's offer of extra protection, clinic operators said women seeking abortions must have secure places to turn to.

"It is critically important that we ensure the safety of our doctors, staff and patients," said Sarah Stoesz, president of a Minnesota-based Planned Parenthood chapter. The group flies physicians anonymously into Sioux Falls, S.D., each week because no doctor in the state is willing to perform elective abortions.

The shooting returned the violent side of the abortion issue to the spotlight just as a diverse array of advocates has begun meeting with White House officials to explore President Obama's appeal for common ground.

The political effect of Tiller's killing is hard to gauge. Shaun Kenney, executive director of the antiabortion American Life League, worries that

"extreme" groups "will try to use it for political advantage" and harm the larger movement.

Cynthia Gorney, author of "Articles of Faith," a book about the abortion wars, said the killing will weaken antiabortion forces because Americans will see all opponents in the same light, whatever their moral and tactical differences.

"It's going to bite them in the leg," Gorney said. "And it's going to do it in a very big way."

Roeder has not been charged with a crime in Sedgwick County, where prosecutors have 48 hours to file charges or request more time. District Attorney Nora Foulston told reporters that the case will be tried in state court.

As news of Roeder's arrest traveled, abortion opponent Regina Dinwiddie remembered the day a dozen years ago when Roeder hugged her in glee after his encounter with Crist.

"He grabbed me and said, 'I've read the Defensive Action Statement, and I love what you're doing,' " said Dinwiddie, of Kansas City, Kan. She was a signer of the 1990s statement, which declares that the use of force is justified to save the lives of the unborn.

"I said, 'You need to get out of here. You can get in a lot of trouble,' "

Dinwiddie recalled.

Dinwiddie does not consider Tiller's death a murder.

"I don't think he was murdered," she said. "I believe he was absolutely stopped in his tracks and it was long overdue."

Dave Leach, who also signed the statement, said he published some of Roeder's writings in the newsletter Prayer & Action News, which describes itself as "a

trumpet call for the Armies of God to assemble."

Leach, who described Roeder as "anti-government," said he stopped to see Roeder in Kansas years ago after visiting Rachelle "Shelley" Shannon in prison. Shannon was convicted of shooting Tiller in his arms outside his clinic 16 years ago.

Roeder's arrest in April 1996 on explosives charges -- dismissed when a court ruled that the car search was improper -- came during a period in which he was captivated by the anti-government Montana Freeman, his father said.

The group, which said it owed allegiance to no government authority, held FBI agents at bay for 81 days before surrendering peacefully. John Roeder, who has since died, told the Atchison Daily Globe that year that his son was "obsessed" and went to Montana for unspecified training.

"Scott would not kill a fly. He would not kill a worm," the elder Roeder said.

"So how could he possibly, unless he was being used by somebody, be planning anything that would take human life?"

Roeder's ex-wife told the Associated Press that he had become "very religious, in an Old Testament, eye-for-an-eye way," and moved out of the house at about this time, after 10 years of marriage and one son.

"That's all he cared about is antiabortion, 'the church is this, God is this,' yada yada," Lindsey Roeder said. "The anti-tax stuff came first, and then it grew and grew."

While Roeder remained in custody Monday, flowers stretched for 25 feet along a tall wooden fence outside Tiller's clinic. A police cruiser sat in the driveway, but on the day after the killing, at least, there were more tears than trouble.

Tiller "did what was right. He did nothing illegal," Julie Lawson, 45, said

after placing a bouquet. "I knew that if I ever needed him or my daughter ever needed him or a loved one ever needed him, he was there. And now he's not."

Staff writers Garance Franke-Ruta, Philip Rucker, Jacqueline L. Salmon and Rob Stein and staff researcher Julie Tate, all in Washington, contributed to this report.

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June 2, 2009

Seeking Clues on Suspect in Shooting of Doctor

By [SUSAN SAULNY](#) and [MONICA DAVEY](#)

OVERLAND PARK, Kan. — From the one-story house she once shared in this Kansas City suburb with her former husband, now suspected in the death of a doctor who performed late-term abortions, Lindsey Roeder recalled on Monday how he seemed to undergo a drastic personality shift more than a decade ago.

“The man I married disappeared into this other person,” Ms. Roeder, shaken and puffy eyed, said of [Scott Roeder](#), who was being held in a Wichita jail in the death of Dr. [George R. Tiller](#), who was fatally shot at his Wichita church on Sunday. The authorities said charges were expected soon against Mr. Roeder.

“He wanted a scapegoat,” Ms. Roeder said. “First it was taxes — he stopped paying. Then he turned to the church and got involved in anti-abortion.”

But Mr. Roeder, 51, had not been among the people considered most worrisome to some abortion rights groups, some of which keep a close eye on anti-abortion groups and their Web sites to monitor what they consider threats, leaders here said. “Nobody recognizes his name,” said Marla Patrick, a state coordinator for the [National Organization for Women](#) in Kansas.

One frequent demonstrator, Eugene Frye, 64, said Mr. Roeder told him at a protest about two weeks ago outside a clinic in Kansas City, Kan., that he had attended the trial this year in which Dr. Tiller was acquitted of violating state abortion laws.

Mr. Roeder called the trial “a sham,” Mr. Frye said. “He felt the system had bitterly let down justice and let Tiller go free.”

A worker at the Kansas City clinic said that Mr. Roeder was suspected of gluing the clinic’s locks years ago and that he had been seen trying to do the same thing before dawn on Saturday, the day before Dr. Tiller’s death.

The worker, who would not give his name out of concern for his safety, said he called the [Federal Bureau of Investigation](#) about Saturday’s incident and about a similar incident involving Mr.

Roeder a week earlier.

Law enforcement officials here and in Wichita, a conservative town that has been a focal point of tense abortion debate in large part because of Dr. Tiller's clinic, gave little sense of whether they had previously viewed Mr. Roeder as a concern. After he was taken into custody, they indicated that they were only beginning to delve into his past and his associations.

Still, as Mr. Roeder's relatives and others who had come into contact with him over the years began looking backward, they said they now saw some signs that might have hinted at more serious trouble ahead. For more than 10 years, Mr. Roeder had been linked, at various times and in varying degrees, to the Freemen, a group that rejected federal authority and the banking system, and to people who believe that the killing of abortion providers was justified by the abortions it prevented.

In 2007, someone identifying himself as Scott Roeder posted a message on the Web site of Operation Rescue, a group based in Wichita that had devoted much of its effort to blocking Dr. Tiller from performing late-term abortions. The posting read, in part: "Tiller is the concentration camp 'Mengele' of our day and needs to be stopped before he and those who protect him bring judgment upon our nation."

The leader of Operation Rescue, who denounced the shooting of Dr. Tiller, said he had never met Mr. Roeder, who was not a contributor, volunteer or regular member. And the head of the Kansas Coalition for Life, whose volunteers spent hours outside Dr. Tiller's clinic each week trying to sway patients from abortions, said he had never met Mr. Roeder, though he recalled receiving three phone calls out of the blue from him last August.

Years earlier, Mr. Roeder belonged to a Kansas group known as the Patriot Movement, a citizens' militia which, according to a fellow member, Morris Wilson, 70, aimed to "kick Uncle Sam in the shins" by bucking rules like mounting license plates on cars. "He didn't like taxation and overregulation," Mr. Wilson recalled, adding that Mr. Roeder had outspoken views against abortion.

"He was trying to get people aware of what was going on, and put these guys out of business," he said. "But I never seen a temper."

Mr. Roeder also encountered Dave Leach, an anti-abortion activist from Des Moines whose publication, Prayer and Action News, had received articles from Mr. Roeder. Mr. Leach said Mr. Roeder had presented strong anti-government views (he believed the government tracked money, Mr. Leach recalled, and offered his own method to "remove the magnetic strip from a five-dollar bill") and views similar to Mr. Leach's own on abortion. "To call this a crime is too simplistic," Mr. Leach said of Dr. Tiller's death.

As admirers of Dr. Tiller mourned his death on Monday, his clinic, in a beige, squat building in Wichita, was closed. Clusters of flowers had been left on a wall outside, and the police monitored the facility. The future of the center, one of about three in the country to provide abortions to women late in their second trimesters and into their third trimesters of pregnancy, appeared uncertain.

Some representatives of Dr. Tiller said they did not know if the clinic would reopen, given the skills required and the safety issues now clear. But a Nebraska doctor who had worked with Dr. Tiller at his clinic told a local newspaper that the place would reopen for patients on Monday — a notion anti-abortion forces said they were preparing for with the usual protesters.

At some other clinics around the country, federal authorities ordered increased security from the United States Marshals Service, which had provided protection for Dr. Tiller in 1991, 1994 and 2001. "In each instance the protective details ended once a decision had been made that the threat had been mitigated or was no longer present," a spokesman for the Marshals Service said.

Dr. Tiller, who had previously been shot in both arms and had seen the clinic bombed and vandalized, was known for taking security precautions, his friends said Monday. At times, he wore a bulletproof vest and traveled with a burly, private guard. As recently as May, Dr. Tiller reported to the F.B.I. that wires to surveillance cameras had been cut at the clinic and that a hole had been sliced in the roof. The F.B.I. said Monday that the case was unsolved.

But Dr. Tiller had never been cowed by threats, said Lee Thompson, a lawyer who represented him. He always wore a pin that read, "Attitude Is Everything," Mr. Thompson said.

In Overland Park, Ms. Roeder, a teacher, said Mr. Roeder had seemed ambivalent on matters of abortion, politics and religion when they first met and married in 1986. He had worked a steady manufacturing job at an envelope company, she said, until he seemed unable to pay the bills.

David Roeder, Mr. Roeder's brother, issued a statement on behalf of the family expressing shock and sadness over Dr. Tiller's death, and suggesting that Mr. Roeder had "suffered from mental illness at various times in his life."

In 1996, the Roeders divorced, and Mr. Roeder worked odd jobs, moving from place to place and living most recently in Kansas City, Mo.

In April 1996, the police stopped Mr. Roeder near Topeka for a traffic violation. Inside the car, they found a pound of gunpowder and a homemade fuse, according to published reports. Mr. Roeder was found guilty of charges including one connected to the explosives and served jail time, though an appeals court later dismissed the explosives charges after Mr. Roeder's lawyers argued that the search of his car had been improper.

At his sentencing in the case, The Topeka Capital-Journal noted, Judge James Buchele of Shawnee County District Court said Mr. Roeder presented a "threat of danger to the public."

Mr. Roeder's 22-year-old son has been tormented, his mother said, by all that has occurred. "He keeps asking," she said, "'Could I have seen something, stopped something?'"

Susan Saulny reported from Overland Park, and Monica Davey from Chicago. Contributing reporting were Karen Ann Cullotta from Chicago; Neil A. Lewis from Washington; Eric Palmer from Kansas City, Mo.; Bud Norman and Joe Stumpe from Wichita, Kan.; and Mike Rice from Merriam, Kan.

<http://www.southernstudies.org/2009/06/abortion-doctor-killer-a-soldier-in-terrorist-army-of-god.html>

Abortion doctor killer a soldier in terrorist 'Army of God'?

The details emerging about Scott Roeder, the man charged in Sunday's fatal shooting of Dr. George Tiller inside Tiller's church in Wichita, Kan., suggest ties to a loosely organized domestic terror network known as the Army of God, which has long engaged in harassment of and violence against abortion providers like Tiller as well as lesbians and gays.

While Roeder was a resident of Kansas, the network has a presence nationwide, including the South.

Among its affiliates are Eric Robert Rudolph, the North Carolina man and former fugitive serving multiple life sentences for the bombing at the 1996 Atlanta Olympics, which killed one person and injured more than 100. Rudolph also confessed to the later bombings of abortion clinics in Georgia and Alabama as well as a lesbian bar in Atlanta. Letters sent to the media claiming credit for the attacks [said](#) they were carried out by "units" of the Army of God.

News reports about Sunday's killing in Wichita say Roeder -- [who was also part of the anti-government "sovereign citizen" movement](#) -- contributed articles and subscribed to Prayer & Action News, a publication overseen by Dave Leach, an anti-abortion activist from Des Moines and a proponent of the concept of justifiable homicide of doctors who perform abortions. Leach [told the New York Times](#) of Tiller's murder, "To call this a crime is too simplistic."

In 1998, Prayer & Action news reprinted in full the Army of God Manual, a how-to guide for committing violence against abortion clinics. The final of the manual's three editions advocates murdering providers as the only way to stop abortion. The National Abortion Federation [quotes the manual's opening declaration](#):

Beginning officially with the passage of the Freedom of Choice Act - we, the remnant of God-fearing men and women of the United States of Amerika [sic], do officially declare war on the entire child killing industry. After praying, fasting, and making continual supplication to God for your pagan, heathen, infidel souls, we then peacefully, passively presented our bodies in front of your death camps, begging you to stop the mass murdering of infants. Yet you hardened your already blackened, jaded hearts. We quietly accepted the resulting imprisonment and suffering of our passive resistance. Yet you mocked God and continued the Holocaust. No longer! All of the options have expired. Our Most Dread Sovereign Lord God requires that whosoever sheds man's blood, by man shall his blood be shed. Not out of hatred of you, but out of love for the persons you exterminate, we are forced to take arms against you. Our life for yours - a simple equation.

The manual goes on to say that the Army of God is a "real Army, and God is the General and Commander-in-Chief." The soldiers do not usually communicate with each other or meet, it says:

That is why the Feds will never stop this Army. Never. And we have not yet even begun to fight.

Federal law enforcement officers dug up a copy of the manual from the yard of Oregon resident Rachelle "Shelly" Shannon after her arrest for the 1993 shooting of Tiller, in which he was wounded in both arms. Shannon was sentenced to 11 years in prison for the crime.

Among the other violent acts carried out by soldiers in the Army of God was a 1984 death threat to Supreme Court Justice Harry Blackmun, the bombings of the National Abortion Federation and the American Civil Liberties Union, and the mailing of more than 550 anthrax threat letters to clinics shortly after 9/11, for which Army of God member and North Dakota native Clayton Waagner was convicted and is now serving a prison sentence of more than 50 years. The letters were sent from Ohio, Georgia and Tennessee, and some were signed by "the Virginia Dare Cell of the Army of God," named for the first white child born in America's Roanoke Colony in present-day North Carolina.

The Army of God has also been linked to the shootings of at least five physicians, including the fatal 1998 shooting in New York of Dr. Barnett Slepian for which Army of God member James Kopp of

California was convicted.

Some of the other key players in the Army of God:

* **Donald Spitz** of Chesapeake, Va., the leader of Pro-Life Virginia and a reverend in the Glory to Jesus Ministries. He hosts the Army of God website.

* **Neal Horsley**, a pro-secessionist candidate for governor in Georgia and host of the Nuremberg Files website that provides a hit list with the names of and personal information about abortion providers.

* **Michael Griffin**, a Floridian serving a life sentence for the 1993 murder of Dr. David Gunn at a clinic in Pensacola, Fla. The incident marked the first killing of an obstetrician-gynecologist for performing abortions.

* **Paul Hill**, a Florida resident who received the death penalty for the 1994 shooting death of Dr. John Britton and escort James Barrett at a clinic in Pensacola. Hill's attorneys tried to use the justifiable homicide defense but the judge would not allow it because under Florida law it can be applied only in cases of self-defense or to protect a third person. In his last words before his execution, Hill encouraged others who oppose abortion to "do what you have to do to stop it."

* **Michael Bray**, a former midshipman at the U.S. Naval Academy and a Maryland native who now lives in Wilmington, Ohio. In 1985, Bray was convicted of two counts of conspiracy and one count of possessing unregistered explosive devices in connection with 10 bombings of women's health clinics and offices of liberal advocacy groups in Maryland, Washington, D.C. and Virginia. The author of a Bible-based book titled "A Time to Kill: A Study Concerning the Use of Force and Abortion," Bray has said he believes that homosexuality and adultery should be punishable by death.

Bray, who has been called the chaplain of the Army of God, is the host of [the annual White Rose Banquet that honors anti-abortion extremists](#). Named for a German secret society that opposed Hitler, the banquets are held on the eve of the Jan. 22 anniversary of the Roe v. Wade Supreme Court decision that legalized abortion.

After the murders of Drs. Gunn and Britton, members of the Army of God circulated petitions calling the actions "justifiable." Among those who signed the petition were Hill, Spitz and Leach. [Other signatories include:](#)

* **C. Roy McMillan**, the executive director of the Christian Action Group of Jackson, Miss. and an oft-arrested clinic protester whose [business cards say](#), "If you believe abortion is murder ... ACT like it's murder."

* **David Crane**, director of Rescue Virginia in Norfolk, Va. and [cofounder of American Coalition for Life Activists](#).

* **Mike Walker** of the National Association of Planned Parenthood Fighters in Alabama who in 1996 [issued a press release](#) announcing a new organization called the Justifiable Homicide Fellowship.

* **David Trosch**, a suspended Catholic priest and president of Life Enterprises Unlimited in Mobile, Ala. who [produced a newspaper advertisement](#) showing a man killing a doctor performing an abortion with the caption, "JUSTIFIABLE HOMICIDE."

While Wichita police [have said it appears Roeder acted alone](#), they are investigating his connections to anti-abortion groups.

The [Army of God's website](#) currently features a photo of Tiller beneath a quote from the Bible's Psalm 55:15: "Let death seize upon them, and let them go down quick into hell: for wickedness is in their dwellings, and among them."

"The lives of innocent babies scheduled to be murdered by George Tiller are spared by the action of American hero Scott Roeder," the website states. "George Tiller the Babykiller reaped what he sowed and is now in eternal hell."

(Image is from [a 2003 Army of God communique](#) regarding an anti-abortion rally in Buffalo, N.Y.)

By [Sue Sturgis](#) on June 2, 2009 10:36 AM

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Dr Tillers Murderer past of vast right wing conspiracy, confesses to hate crimes.

Proof Positive this christo-fascist was not working alone, it is a CONSPIRACY!

Scott Roeder, Abortion Doctor Murder Suspect, Warns Of More Violence

http://www.huffingtonpost.com/2009/06/07/scott-roeder-abortion-doc_n_212346.html

Looks like the Feds have more work to do rounding up this reicht-winged nutjobs co-CONspirators before they 'kill again'. Perhaps a little extreme interregation techniques are in order?

Tiller assassination is now the subject of a federal investigation

<http://crooksandliars.com/david-neiwert/tiller-assassination-now-subject-fed>

George Tiller Investigation: DOJ Opens Probe Into Doctor's Murder

http://www.huffingtonpost.com/2009/06/05/george-tiller-investigati_n_211972.html

unlike Al Quaeda, these christo-fascists are already here inside the United States.

These religious nutjobs are MORE OF A THREAT than osama bin laden!!!

I say it's time to investigate their ranks and the spewing faux snooze that incites their hate crimes!

one minute he claims to being innocent and criticizes being treated 'like a criminal'

Suspect in abortion doctor's death speaks out

Roxana Hegeman, Associated Press

The man accused of killing Kansas abortion provider George Tiller said Thursday from the county jail where he is being held that he's "being treated as a criminal" even though he hasn't been convicted. In a brief...

<http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2009/06/04/MNOM1815AH.DTL>

and in the very next breath, he confesses he did the murder!!!

Scott Roeder, Abortion Doctor Murder Suspect, Warns Of More Violence

http://www.huffingtonpost.com/2009/06/07/scott-roeder-abortion-doc_n_212346.html

well, which is it reicht-winged neocon christ-fascist hate mongerer?

Anonymous

[June 8, 2009 4:02 AM](#) | [Reply](#)

June 3, 2009

The murderer-martyr syndrome

Allie Martin - OneNewsNow - 6/3/2009 7:30:00 AM

The niece of Dr. Martin Luther King, Jr., says the murder of late-term abortionist George Tiller must be strongly condemned by those in the pro-life movement.

Â

Scott Roeder has been charged with first-degree murder in the shooting death of Tiller in a Wichita, Kansas, church Sunday morning. The 51-year-old Roeder was charged Tuesday and appeared in court via video from jail. He is accused of killing Tiller as the doctor served as an usher at Reformation Lutheran church.

Â

The president of the Kansas Coalition for Life, Mark Gietzen, says Roeder was "incredibly stupid" if he thought killing Tiller would be "a pro-life act." Gietzen says the slaying has instead turned Tiller "into a martyr" while doing nothing to stop abortion.

Â

Story continues below ...

**Is the mainstream media ignoring the fact that literally tens of thousands
of unborn children died at the hands of Dr. George Tiller?**

[Vote in our poll](#)

Â

Dr. Alveda King, pastoral associate of [Priests for Life](#), could not agree more. She says pro-life supporters must never answer violence with violence.

Â

"I'm hoping that people will remember that little babies are being murdered in America by the thousands -- and that has not been called a hate crime," she shares. "While it is hateful to gun someone down in a church -- and yes it is; it really, really is -- it is also hateful for us to stand by and approve the murder of our little babies."

Â

King says she was able to attend a peaceful demonstration outside Tiller's clinic two years ago.

Â

"I went to his clinic, and I was asked to excuse myself and not to stay," she recalls. "When Dr. Tiller got there, he drove right past me; they gave him the letter that I had written to him. And he nodded at me, I nodded at him, and he sent me out a message saying, 'We both care about women. We just have different ways of showing that.'"

Â

King says she is saddened by the fact, that as far as she knows, Tiller did not repent and trust Christ as Savior and Lord.

Â

Tiller's funeral is to be held Saturday at College Hill United Methodist Church in Wichita.

49 Million to Five

by [Ann Coulter \(more by this author\)](#)

Posted

06/03/2009

ET

Updated 06/03/2009 ET

In the wake of the shooting of late-term abortionist George Tiller, President Barack Obama sent out a welcome message that this nation would not tolerate attacks on pro-lifers or any other Americans because of their religion or beliefs.

Ha ha! Just kidding. That was the lead sentence -- with minor edits -- of a New York *Times* editorial warning about theoretical hate crimes against Muslims published eight months after 9/11. Can pro-lifers get a hate crimes bill passed and oceans of ink devoted to assuring Americans that "most pro-lifers are peaceful"?

For years, we've had to hear about the grave threat that Americans might overreact to a terrorist attack committed by 19 Muslims shouting "Allahu akbar" as they flew commercial jets into American skyscrapers. That would be the equivalent of 19 pro-lifers shouting "Abortion kills a beating heart!" as they gunned down thousands of innocent citizens in Wichita, Kan.

Why aren't liberals rushing to assure us this time that "most pro-lifers are peaceful"? Unlike Muslims, pro-lifers actually *are* peaceful.

According to recent polling, a majority of Americans oppose abortion -- which is consistent with liberals' hysterical refusal to allow us to vote on the subject. In a country with approximately 150 million pro-lifers, five abortionists have been killed since *Roe v. Wade*.

In that same 36 years, more than 49 million babies have been killed by abortionists. Let's recap that halftime score, sports fans: 49 million to five.

Meanwhile, fewer than 2 million Muslims live in America and, while Muslims are less murderous than abortionists, I'm fairly certain they've killed more than five people in the United States in the last 36 years. For some reason, the number "3,000" keeps popping into my head.

So in a country that is more than 50 percent pro-life -- and 80 percent opposed to the late-term abortions of the sort performed by Tiller -- only five abortionists have been killed. And in a country that is less than 0.5 percent Muslim, several dozen Muslims have killed thousands of Americans.

But the killing of about one abortionist per decade leads liberals to condemn the entire pro-life

movement as "domestic terrorists." At least liberals have finally found some terrorists they'd like to send to Guantanamo.

Tiller bragged about performing 60,000 abortions, including abortions of viable babies, able to survive outside the mother's womb. He made millions of dollars performing late-term abortions so gruesome that only two other abortionists -- not a squeamish bunch -- in the entire country would perform them.

Kansas law allows late-term abortions only to save the mother's life or to prevent "irreversible physical damage" to the mother. But Tiller was more than happy to kill viable babies, provided the mothers: (1) forked over \$5,000; and (2) mentioned "substantial and irreversible conditions," which, in Tiller's view, apparently included not being able to go to concerts or rodeos or being "temporarily depressed" on account of their pregnancies.

In return for blood money from Tiller's profitable abattoir, Democrats ran a political protection racket for the late-term abortionist.

In 1997, The Washington *Post* reported that Tiller attended one of Bill Clinton's White House coffees for major campaign contributors. In addition to a \$25,000 donation to Clinton, Tiller wanted to thank him personally for 30 months of U.S. Marshals' protection paid for by the U.S. taxpayer.

Kansas Democrats who received hundreds of thousands of campaign dollars from Tiller repeatedly intervened to block any interference with Tiller's abortion mill.

Kathleen Sebelius, who was the governor of Kansas until Obama made her Health and Human Services Secretary, received hundreds of thousands of campaign dollars from Tiller. Sebelius vetoed one bill restricting late-term abortions and another one that would have required Tiller to turn over his records pertaining to "substantial and irreversible conditions" justifying his late-term abortions.

Kansas Attorney General Paul Morrison also got elected with the help of Tiller's blood money, replacing a Republican attorney general who was in the middle of an investigation of Tiller for various crimes including his failure to report statutory rapes, despite performing abortions on pregnant girls as young as 11.

But soon after Morrison replaced the Republican attorney general, the charges against Tiller were reduced and, in short order, he was acquitted of a few misdemeanors. In what is a not uncommon cost of doing business with Democrats, Morrison is now gone, having been forced to resign when his mistress charged him with sexual harassment and corruption.

Tiller was protected not only by a praetorian guard of elected Democrats, but also by the protective coloration of the Evangelical Lutheran Church in America -- coincidentally, the same church belonged to by Tiller's fellow Wichita executioner, the BTK killer.

The official Web page of the ELCA instructs: "A developing life in the womb does not have an absolute right to be born." As long as we're deciding who does and doesn't have an "absolute right to be born," who's to say late-term abortionists have an "absolute right" to live?

I wouldn't kill an abortionist myself, but I wouldn't want to impose my moral values on others. No one is *for* shooting abortionists. But how will criminalizing men making difficult, often tragic, decisions be an effective means of achieving the goal of reducing the shootings of abortionists?

Following the moral precepts of liberals, I believe the correct position is: If you don't believe in shooting abortionists, then don't shoot one.

July 28, 2009

Leonard Zeskind

Leonard Zeskind writes at www.LeonardZeskind.com

Posted: July 28, 2009 08:18 PM

Preliminary Hearing for Scott Roeder Reveals Details

The Wichita district court room remained virtually empty today, with rows of seats behind the defense table sitting mostly vacant during the preliminary hearing for Scott Roeder, accused of murdering Dr. George Tiller on Sunday May 31. Judging from the testimony given by three men who served as ushers at the Reformation Lutheran Church on that day, the case looks fairly open and shut.

Gary Hoepner, a member of the church for 52 years, testified that prior to the Sunday morning service he was chatting with Tiller about donuts, when he saw a man shoot the doctor point blank in the head. The killer turned around and ran out the door with Hoepner following him. The gun was a .22 caliber pistol.

Keith Martin tailed Roeder to his car, and was standing about fifteen feet away when Roeder turned and told him to "move." After Martin stayed put, Roeder pointed a gun at him and said, "I will shoot you." Martin got out of the way, but threw a cup of coffee at the car as Roeder was speeding away. Martin's act of defiance showed his mettle, which was also in evidence during cross examination when he bristled at attempts by Roeder's court appointed attorney to impugn Tiller's reputation.

Thornton Anderson was coming into church a little late when someone yelled out, "get the license plate number." Anderson, a whiz with numbers, did just that, providing the key piece of evidence that led sheriff's officers in Johnson County, Kansas to arrest Roeder later in the day. Roeder's attorneys did not even cross examine testimony by the Sedgwick County coroner and the Wichita chief of homicide detectives; there was just no wiggle room in the evidence as it was presented.

Several pieces of interesting detail surfaced during the day. Roeder had attended the Wichita church -- about 180 miles from his home in Merriam, Kansas -- several different times in the months prior to the shooting. He was apparently stalking Tiller, waiting for a chance to shoot the doctor while he served as an usher. In addition, there was testimony about the repeated protest and harassment of the Reformation Lutheran Church over the past two decades since Operation Rescue's so-called Summer of Mercy in 1991. Hundreds of anti-choice, pro-life activists on pickets lines, deliberate disruptions of religious services from within the sanctuary, and a bald attempt to steal the church's sacraments during a ceremony. If these activists say they are theologically motivated to "protect the unborn," they obviously showed no respect for the religious observances of these Lutherans.

Scott Roeder, wearing a greenish suit with a red tie, sat impassive and stone-faced throughout the hearing, flinching only a little when Gary Hoepner identified him from the stand. He has served

time in prison before, in the 1996 and 1998, after being convicted on explosives charges that were later thrown out on appeal. He has expressed a certain level of resignation towards the long years in prison ahead of him, and he has started talking with Judy Thomas of *The Kansas City Star*, an investigative reporter who has written most of the ground-breaking news on this case.

The tax protestors, militiamen, and the fervid Christian patriots with whom Roeder has associated over the years have remained largely out of the public eye. Their fate still remains unknown; and that is not an open and shut case. For now, Scott Roeder's trial for murder is set for September 21.

August 14, 2009

[Des Moines man hopes to free alleged Tiller assassin with 'necessity defense'](#)

By [Jason Hancock](#) 8/14/09 1:18 PM

A Des Moines anti-abortion activist has had repeated contact with the man accused of killing Kansas doctor George Tiller in May, and is even working on a legal strategy for him that he believes will result in acquittal.

Dave Leach publishes a newsletter called "Prayer & Action News," which advocates the doctrine of justifiable homicide in the case of abortion doctors. The man accused of murdering Tiller, [Scott Roeder, was a contributor to the publication.](#)

In an interview with The Iowa Independent, Leach said he has spoken with Roeder several times since his arrest, including twice on Thursday to discuss legal strategy. Despite the fact that Leach is not an attorney, he has [prepared a legal brief he believes will get Roeder acquitted](#), and "Scott is willing to go along," he said.

Leach sent a copy of the brief to Roeder's attorney but has not gotten a response.

Leach has proposed that Roeder stipulate that the facts alleged in the criminal complaint against him are true in order to focus the case on the so-called "necessity defense." Roeder is accused of shooting Tiller in the foyer of his Wichita church on May 31 in order to stop him from performing abortions.

The hope is that refusing to contest the facts of the case will leave no other option to the judge but to let the jury hear argument regarding whether Roeder was forced to commit murder in order to stop an "unlawful harm," meaning abortion.

"In probably all previous cases, the dog-and-pony show proceeded, the prosecutor bringing in his witnesses to prove what nobody seriously contests," Leach said. "That way there is an appearance of a right to trial by jury. The jury gets to weigh the facts, which the defendant does not contest. But I have proposed to Scott that he stipulate to the alleged facts, making the dog-and-pony show irrelevant to any additional information the jury needs to make its determination, and dramatically isolating the necessity defense as the sole contested issue of the case."

In the past, judges have thrown out "necessity defense" arguments regarding crimes committed to stop abortion because abortion is legal, and therefore protected by the law.

“Legally protecting a harm does not render it harmless,” Leach said. “The necessity defense requires reasonable people to judge whether a harm is in fact harmless, regardless of how courts or lawmakers feel about it.”

If the decision is given over to a jury, Roeder will go free, he said.

Margaret Raymond, a law professor at the University of Iowa who previously practiced as a criminal defense attorney, has not read Leach’s legal brief but said the likelihood that a judge will allow a jury to hear an argument of “necessity defense” in a case like this is quite small.

“Typically, you don’t get to use that defense in murder cases,” she said. “The problem with a necessity defense in this case is that it is hard to say that something that the law permits is an act that must be prohibited at the cost of death.”

Juries are only permitted to hear claims that fit within legal parameters. If the law permits the claim, the facts surrounding the claim would go to the jury to decide.

“The jury doesn’t get to hear a claim that isn’t legally plausible,” Raymond said. “If there is no legal basis for the claim, then it cannot go to the jury. Juries are not supposed to decide things outside of the law. They get to decide fact within the law.”

The necessity defense, in general terms, says that it is OK to commit a crime in order to avoid a much greater harm, she said. For instance, a person with a suspended drivers license could drive a person to the hospital if it meant saving their life.

“The question would be whether the necessity defense would permit somebody to claim that something that is legally protected created a necessity to justify homicide,” Raymond said, adding: “My guess is that this is not going to be a strong defense. The irony is that the first thing he is asking him to do in order to use a necessity defense is admit he committed the crime. That is not necessarily something a criminal defendant wants some third party going around announcing.”

Even if the judge allows this defense to go forward, Roeder may still go to prison, Leach said. But he believes it would set a legal precedent allowing those who block the entrances of abortion clinics and “perhaps even building burners” to use that defense in the future, Leach said.

“I, personally, would prefer a bloodless way to stop bloody abortion. But it isn’t up to me,” he said, adding: “So I suppose the correct answer would be, yes, lovers of abortion have great reason to fear that they will suffer the same violence they have voted to inflict upon 50 million American unborn. But not from me.”

Leach is not the only anti-abortion activist to contact Roeder in prison. The Wichita Eagle reports that he has been visited by “[a who’s who of anti-abortion militants](#),” a fact that has worried abortion-rights advocates.

Fear of a possible conspiracy to commit more acts of violence against abortion providers has led to a federal investigation, and the FBI has questioned several of Roeder’s visitors. Leach said the FBI has not contacted him.

He has been in contact with other anti-abortion activists around the country to share his legal brief, Leach said. So far, only Regina Dinwiddie, a Kansas City anti-abortion activist who made headlines in 1995 when she was ordered by a federal judge to stop using a bullhorn within 500 feet of any abortion clinic, has given him feedback.

This is not Leach’s first brush with the spotlight. Following Tiller’s assassination, [Leach was prominently featured by national news media](#) due to his previous ties with Roeder.

In the mid-1990s, Leach’s association with the accused killer of a Florida abortion doctor

helped persuade U.S. marshals to guard the Planned Parenthood clinic in Des Moines.

In the January 1996 issue, Leach published the Army of God manual, which advocates the killing of the providers of abortion and contains bomb-making instructions. Because of this, he was fired from his job as a writer for an Ankeny newspaper.

In 2002, he tried to air videotape of patients entering a local Planned Parenthood clinic on public-access cable TV. Mediacom Communications Corp. decided it would not allow him to air the footage.

C O M M E N T S (as of 8/15,

noon)

DanicaD1988 19 hours ago

“I, personally, would prefer a bloodless way to stop bloody abortion. But it isn’t up to me,” he said, adding: “So I suppose the correct answer would be, yes, lovers of abortion have great reason to fear that they will suffer the same violence they have voted to inflict upon 50 million American unborn. But not from me.”

Does anyone really LOVE abortion?

Kansan 18 hours ago

How is advocating the assassinations of obstetricians, their staff and escorts, any different than crying "fire!" in a crowded theater?

Leach and his ilk, such as the Army of God's "Rev." Don Spitz, have consorted with the likes of Paul Hill, mentioned in his story. Hill attended the trial of women's clinic arsonist Shelly Shannon, for her shooting of Dr. George Tiller years ago, then returned to Florida to murder the unarmed 74-year-old, retired Air Force Colonel escorting a doctor to a clinic, and emptied his pump shotgun magazine into the colonel's 68-year-old wife. He then reloaded and slaughtered the doctor.

These fanatics have little respect for anyone whom they construe to be going against their personal religious beliefs. John Salvi killed two receptionists at a Boston clinic. Eric Rudolph blew up a policeman and blinded a nurse in Georgia, after bombing the Atlanta Olympics can causing two more deaths.

By Leach's reasoning, if I personally believed that a conspiracy to kill a provider should be punishable by death, I believed he was in a conspiracy with Spitz and Roeder, and I believed I had the right to carry out such an execution, I would be perfectly justified in taking the law into my own hands and killing Leach, would I not? I could also be justified, using Biblical precepts, in killing prostitutes and adulteresses and could keep slaves.

We are, however, a nation of laws. I think Leach is putting himself perilously close to getting three hots and a flop at Hotel Fed.

RegularJoe 14 hours ago

The problem with your position is that you assume we all subscribe to your particular mythology...one that also calls upon women to remain apart from the rest of us when they are 'unclean' - menstruating. It calls upon us to reject pork - in Iowa, not likely. It calls upon us to reject divorce in all but a very rare circumstance. There's a whole list of rather interesting things your mythos expects us to simply accept, without question.

Well, what if I don't? What if I believe differently than you? What if I believe as our nation's founders did?

wwjd247365 16 hours ago

The Supreme Court's Dred Scott decision said that African Americans (i.e. that isn't what they called them back then to their own discredit) were nothing more than chattel and see what that caused and their decision was legal!

So much for Laws that are highly discriminatory and what is more discriminatory than the slaughter of the most innocent form of human life which is in the mother's womb! (i.e. Psalms 139:13-16.)

If only the unborn aborted baby could go to court then things would be different!

RegularJoe 13 hours ago

So...when I look at this crazy bastard and know in my soul (because God speaks to me) that he's a threat to our Life, Liberty, & Pursuit of Happiness....does that mean I can cap his ass and it's all good? I mean, "Thou Shalt Not Murder" was pretty clear, I thought...and even the heathen atheists I know seem to be opposed to murder, but if Crazy Davie says that sick fuck Scott "Brain Rot" Roeder did the right thing, then maybe it's time for Annie to get her gun.

(or, perhaps the stupid bastard doesn't realize that since we amended our state constitution recently, he can now vote and use the ballot instead of the bullet to effect change)

Some people's kids.....



AcknowledgeHimN2010 0 minutes ago (My campaign handle)

Is it now fanatical to ask that a jury of reasonable people, judging by reasonable standards, hear the only contested issue of a case, so that a man may have a right to trial BY JURY?

If the lawyer commenting on my brief ever gets around to reading it, I would love to know what she thinks of it then. Meanwhile, I would consider it a risk to my reputation to comment publicly on a brief I hadn't read!

Pro 18:13 He that answereth a matter before he heareth it, it is folly and shame unto him.

The comments she made are the same expectations I would have had, before this brief came together in my mind. I would love to know what Jason told her about it, as a basis for the reaction that she had. It surprises me that if she understood the strategy of stipulating to the alleged facts in order to isolate the sole contested issue, that she would still so cavalierly dismiss any hope of the judge being forced to give the jury SOMETHING to weigh. Just because it has been denied 100,000 times before doesn't necessarily predict what will happen this time, since in no previous case that I know of, and certainly not in the few cases so high profile that strong arguments could not be swept under the rug, have prolife defendants stipulated to the facts in order to isolate the contested issue.

davidrydholm 4 hours later

Enough with all this useless wrangling, I say. Abortionist shooters should agree to shoot abortionists; their opponents should agree to put abortionist shooters in prison or to death if the shooter can be apprehended. The idea that there is any common ground from which these two groups can reason with each other is wrong. There isn't any. Just shoot each other and be done with it.

AcknowledgeHimN2010 2 hours later

Funny. Seriously, the failure of Americans to reason with one another is not inability, but disinterest. Fortunately, turbulence has the capacity to knock the reason-substitutes out from under us

and drag open our minds. That's the one way Barack Obama may actually save America.

davidrydholm 2 days later

I'll believe it when I see it. People may change their viewpoints, but I'm virtually certain that if they do, for 98-99% of those who do in fact change position, it will not be because they were persuaded by a soundly reasoned argument. As for foaming-at-the-mouth rants ala Regular Joe (does he need a laxative to stay regular?), what do I know? It's crap, but someone might be convinced by crap.

I suppose if a reasoned argument persuades one person in a thousand, that's still one who wasn't persuaded before. It just seems a bit like trying to keep a lawn trimmed with a pair of scissors, though. For every person who is convinced by a sound argument, there may be twenty at the same time who go the other way for any number of reasons.

I guess what bothers me about debate in general is that it presupposes that humans arrive at their beliefs rationally, and that is wrong. They don't. They just don't.

Me: 6 hours later:

What? God's critics have left us this comment stream to ourselves? OK, to your spirit of unbelief: If Truth did not turn you toward God and against abortion, what did? Do you think no soul but yours can be cut by the Sword of Truth?

Was God wasting His breath when He said: Mark 16:15 And he said unto them, Go ye into all the world, and preach the gospel to every creature. 16 He that believeth and is baptized shall be saved; but he that believeth not shall be damned. 17 And these signs shall follow them that believe; In my name shall they cast out devils; they shall speak with new tongues; 18 They shall take up serpents; and if they drink any deadly thing, it shall not hurt them; they shall lay hands on the sick, and they shall recover.

Do you hold up signs showing the evidence of what abortion does to babies to no effect?

We don't have to guess how fruitful our seed will be, if we prepare it well: He tells us plainly, in Luke 8:5-18. It will be fruitful enough to support ourselves today and still have enough left over to keep planting tomorrow.

I didn't say everybody loves to reason 100% of the time, did I? Just as ground doesn't nurture seeds 100% of the time. But this is the time to have hope! This is a time of national turbulence! Turbulence causes people to scramble for sure footing for their souls amid the sinking sands around them.

To another friend who saw this dialog and said "I agree with Rydholm. Even this argument between you and him proves my point. No one ever convinces anyone. That's just what I see."

My answer: "Don't tell me that is what you see, when God says what you say you see does not exist. You say seed never bears fruit. God says it does. I believe God rather than you. You do NOT see 100% failure. Don't tell me you see something which God says does not exist."

DavidRydholm: You should use the Reply button. I almost did not see your post.

Actually, I got distracted from my original point, which was that in most cases in a forum such as this one, there is no basis for the two parties to reason together, because each is beginning from a different foundational assumed premise. In order to reason together, there must be a shared foundational premise, and in the case of the question of whether abortion constitutes murder just as much as would the killing of a born child, for those who hold that abortion is not murder, their actual literal *foundational* premise is, "Abortion does not constitute murder"! So obviously, there is no shared foundational premise from which the two parties may reason together. That was my original point, I apologize for being unclear.

As for what originally "turned me toward God and against abortion" it was revelation, not any reasoned argument. And holding a picture is not a reasoned argument. Jesus indeed commanded to preach the gospel to every creature, but why did Paul feel it necessary to point out that the preaching need be "not with words of human wisdom, lest the cross of Christ be emptied of its power"? Everyone seems to think that his or her own preaching is not "with words of human wisdom," and that that particular caveat is for others, but they themselves are not violating it. OK, fine; you believe that you are preaching in the power of the cross, in trying to get some judge somewhere to allow a defense of necessity. Far be it from me to doubt it. The day of judgment will show the worth of each person's work. Until then, I stand corrected and apologize. Sincerely, what do I know?

As a secondary matter though: in my long experience, generally, arguments that involve questions about God or ethics, whether sound or not, in most cases only serve to assure (rightly or wrongly) those who already agree with the one presenting the argument that his or her conclusion is the correct one. Reasoning almost never persuades anyone to change conclusions, when the argument concerns questions of theology or ethics.

Thirdly, I almost never see any sound argument. In this case, however, I accept the premise that the U. S. government has been an accomplice in the mass murder of some fifty million children since 1973, and I accept that the necessity defense may be validly inferred from that premise. Maybe you can get a judge who thinks the same, who knows?

Fourthly, no one cares about the necessity defense unless it conduce to the result that he or she wishes. Even were the logic of claiming the necessity defense in Mr. Roeder's case thoroughly sound, it would not matter in the slightest to any but a tiny few; almost no one cares about what is or is not logically sound. Almost no one cares. If you are trusting in the power of divine providence, that's good. But if you think that sound logic has any power *in and of itself*, you are wrong. It doesn't. In fact, there is abundant reason to believe that God would be more likely to put his blessing on the words of a ten year old child, rather than on the carefully crafted arguments of those who think that such careful crafting will result in persuading more people.

August 15, 2009 Covenant News <http://www.covenantnews.com/abortion/archives/059531.html>
(Covenant news is a prolife internet news source which simply linked to the Iowa Independent story. Covenant News website provides no way to submit information to the site directly!)

Dave Leach Hopes to Free Scott Roeder With 'Necessity Defense'

By Jason Hancock / Iowa Independent

A Des Moines anti-abortion activist has had repeated contact with the man accused of killing Kansas doctor George Tiller in May, and is even working on a legal strategy for him that he believes will result in acquittal. [Dave Leach](#) publishes a newsletter called "[Prayer & Action News](#)," which advocates the doctrine of justifiable homicide in the case of abortion doctors. The man accused of murdering Tiller, Scott Roeder, was a contributor to the publication. In an interview with The Iowa Independent, Leach said he has spoken with Roeder several times since his arrest, including twice on Thursday to discuss legal strategy. Despite the fact that Leach is not an attorney, he has prepared a legal brief he believes will get Roeder acquitted, and "Scott is willing to go along," he said.

[Click Here For The Full Story.....](#)

Posted by Editor at August 15, 2009 12:19 AM

WHO radio hosts compare alleged Tiller assassin to anti-slavery crusader

By [Jason Hancock](#) 6/2/09 10:54 AM

Two of Iowa's top-rated radio personalities compared the man suspected of murdering Kansas doctor George Tiller with 19th Century abolitionist John Brown.



WHO-AM radio hosts Jan Mickelson, left, and Steve Deace.

Steve Deace, who hosts a drive-time show on WHO-AM, said [society helped create Scott Roeder](#), the man in custody for the killing of Tiller Sunday morning, by refusing to stop abortion by legal methods.

“Maybe the fact that we have a lawless society that has not protected these babies from infanticide created the Scott Roeders of the world, who in very John Brown-like fashion, illegally took matters into his own hands,” Deace said. “Saying that if the system will not deal with an evil, then to Hell with the system.”

[A radical abolitionist](#), Brown led a gang that brutally killed several pro-slavery figures in Kansas and later led a violent attack upon the United States Arsenal at Harpers Ferry, Va. He was eventually arrested, charged with treason, and executed.

Deace danced the line throughout his program between celebrating the fact that Tiller is dead and condemning murder. At one point he discussed vengeance, and how the Bible says vengeance “doesn’t belong to us, it belongs to [God.]” But he admitted being conflicted, saying he is happy that “babies in Kansas are safer today than they were yesterday while George Tiller was still taking in oxygen.”

He expressed anger at anti-abortion groups expressing remorse for Tiller’s family.

“I don’t feel grief for his family, unless it’s grief that they’re in the same family as him,” Deace said. “How many of their bills were paid over the years by the blood on daddy’s hands. I don’t have a lot of sympathy for that. Maybe I should.”

Earlier in the day, another of WHO-AM’s conservative hosts, Jan Mickelson, also discussed the [similarities between Tiller’s murderer and John Brown](#).

But ultimately, Mickelson’s biggest concern was that the murder would tip the scales in the debate of issues ranging from hate crime legislation to the nomination of Sonia Sotomayor to the U.S. Supreme Court.

“We’re within the mantle of a lot of cultural clash and friction points,” he said. “This murder is already being used as justification for ‘Fill in the blank.’”

[Mickelson did not get into specifics about how Tiller’s murder would effect debate of these issues.](#)

[July 26, 2009](#)

July 26, 2009

An Abortion Battle, Fought to the Death

By [DAVID BARSTOW WICHITA, Kan.](#) — [It did not take long for anti-abortion leaders to realize that George R. Tiller was more formidable than other doctors they had tried to shut down.](#)

Shrewd and resourceful, Dr. Tiller made himself the nation's pre-eminent abortion practitioner, advertising widely and drawing women to Wichita from all over with his willingness to perform late-term abortions, hundreds each year. As anti-abortion activists discovered, he gave as good as he got, wearing their contempt as a badge of honor. A "warrior," they called him with grudging respect.

And so for more than 30 years the anti-abortion movement threw everything into driving Dr. Tiller out of business, certain that his defeat would deal a devastating blow to the "abortion industry" that has terminated roughly 50 million pregnancies since *Roe v. Wade* in 1973.

They blockaded his clinic; campaigned to have him prosecuted; boycotted his suppliers; tailed him with hidden cameras; branded him "Tiller the baby killer"; hit him with lawsuits, legislation and regulatory complaints; and protested relentlessly, even at his church. Some sent flowers pleading for him to quit. Some sent death threats. One bombed his clinic. Another tried to kill him in 1993, firing five shots, wounding both arms.

In short, they made George Tiller's clinic the nation's most visible abortion battleground, a magnet for activists from all corners of the country.

Dr. Tiller would not budge.

Instead he dug in, pouring his considerable profits into expanding his clinic and installing security cameras, bulletproof glass, metal detectors, fencing and floodlights. He hired armed guards, bought a bulletproof vest and drove an armored S.U.V. He spent hundreds of thousands of dollars on some of the state's best lawyers and recruited an intensely loyal staff that dubbed itself Team Tiller. He lobbied politicians with large donations and photographs of severely deformed fetuses.

Confident and dryly mischievous, he told friends he had come to see himself as a general in an epic cultural war to keep abortion legal, to the point of giving employees plaques designating them "Freedom Fighters." His willingness to abort fetuses so late in pregnancies put him at the medical and moral outer limits of abortion. Yet he portrayed those arrayed against him as religious zealots engaged in a campaign whose aim was nothing less than to subjugate women.

"If a stake has to be driven through the heart of the anti-abortion movement," he said, "I want to have my hand on the hammer."

The son of a prominent Wichita physician, married 45 years, the father of 4 and grandfather of 10, a former Navy flight surgeon, a longtime Republican, Dr. Tiller, 67, insisted that he would not be driven from his hometown, where he belonged to its oldest country club, was a devoted member of one of its largest churches, was active in Alcoholics Anonymous, was deeply involved in his alma mater, the [University of Kansas](#), and adored his local Dairy Queen.

Indeed, he made a point of performing abortions the day after he was shot in the arms.

"His is the only abortion clinic we've never been able to close," Troy Newman, president of [Operation Rescue](#), said in an interview.

Yet what thousands could not achieve in three decades of relentless effort, a gunman accomplished on May 31 when he shot Dr. Tiller in the head at point-blank range while the doctor was

ushering at church.

[Scott Roeder](#), an abortion foe with the e-mail name “ServantofMessiah,” awaits trial in the murder. In a jailhouse interview, Mr. Roeder did not admit guilt but told a reporter that if he is convicted, his motive was to protect the unborn, a goal seemingly advanced when the Tiller family closed the clinic.

But in the weeks since the killing, supporters and opponents of Dr. Tiller have been measuring the larger ramifications. Implacably divided for so long, they now agree on a fundamental point: Dr. Tiller’s death represents an enormous loss for each side.

Abortion opponents are bracing for a drop in support, especially from those in the murky middle ground of the debate. Worse yet, after years of persuading supporters to work within the law, they say they have already lost credibility among the most ardent abortion opponents who cannot help pointing out that one gunman achieved what all their protests and prayers could not.

“The credit is going to go to him,” Mark S. Gietzen, chairman of the Kansas Coalition for Life, said of Mr. Roeder. “There are people who are agreeing with him.”

Advocates of abortion rights, meanwhile, are reeling from the loss of one of their most experienced and savvy leaders. One of only three doctors in the United States who openly and regularly performed late-term abortions, Dr. Tiller mentored abortion providers across the country. Some of the nation’s most influential women’s groups celebrated him as an American hero.

“This is so much more than just a murder in Wichita,” said Gloria Allred, a prominent women’s rights lawyer.

A Career Choice

Dr. Tiller’s career in abortion began with family tragedy.

In August 1970, his parents, sister and sister’s husband were killed when the small private plane his father was piloting crashed near Yellowstone National Park. Dr. Tiller, who had carried his father’s bag on house calls as a boy, left the Navy and returned home to care for his grandparents and wind down his father’s family practice. He and his wife, Jeanne, adopted his sister’s baby son, and he talked of settling into life as a dermatologist.

But he discovered his father had been performing significant numbers of illegal abortions, and before long women began turning to him for abortions, too, often under desperate circumstances. “The women taught him about life in Wichita,” said Linda Stoner, who worked for Dr. Tiller for a decade. The more skilled he became, the more referrals he got, the more he undercut prices of competitors, the more he began to specialize in abortion, making it the main focus of his practice by the late 1970s.

Friends said Dr. Tiller knew he would become a target. Pickets first showed up in 1975, two years after he performed his first abortion. Years later, an anti-abortion group put him on a “wanted” poster of prominent abortion providers and offered \$5,000 for information leading to his arrest. When an abortion provider in Florida was assassinated in 1994, Dr. Tiller spent the next few years under the protection of federal marshals. By 1997, he had been labeled “the most infamous abortionist in the United States” by [James C. Dobson](#), founder of Focus on the Family.

“He chose his life,” said Dan Monnat, his longtime lawyer. “And having chosen it, he wasn’t going to complain about the restrictions on his liberty by those who saw it another way.”

Dr. Tiller also accepted that his career would inevitably bring scrutiny of his private life, including his struggle with substance abuse, which resulted in a 1984 arrest for driving under the influence and an agreement with the Kansas State Board of Healing Arts to seek treatment. (He would

later serve on the Kansas Medical Society's impaired physicians committee.)

Still, his family strongly supported his choice. He described his daughters, two of whom became physicians, coming into his study during one especially stressful period. "What they said to me was, 'Daddy, if not now, when? If not you, who?'" he recalled this spring in a court hearing.

Dozens of anti-abortion groups of varying sizes and philosophies were out to shut down his clinic, Women's Health Care Services. While their tactics constantly changed, they shared the same basic goal. "We wanted it to get to the point where it was no longer feasible to stay open," Mr. Gietzen of the Coalition for Life said.

Every vendor who showed up at the clinic was warned that if they continued to do business with Dr. Tiller they would be boycotted. Those who ignored the threat were listed on anti-abortion Web sites. "We had nobody in town that would deliver pizza," said an employee, Linda Joslin.

Protesters confronted his employees, demanding that they quit. If they refused, activists passed out fliers in their neighborhood accusing them of working for a baby killer.

Patients would encounter a gantlet of protest.

They would see a "Truth Truck," its side panels displaying large color photographs of dismembered fetuses. Over the clinic gate, strung between two poles, they might see a banner, "Please Do Not Kill Your Baby." Planted in the grass by the sidewalk were 167 white crosses, representing the average number of abortions that protesters said were performed there each month.

Protesters approached patients' cars, offering them baby blankets and urging them to visit an anti-abortion [pregnancy](#) clinic they had set up next door. Sometimes they followed patients to their hotels and slipped pamphlets under their doors. A few years ago anti-abortion campaigners spent weeks in a hotel room with a view of the Tiller clinic entrance. Using a powerful telephoto lens, they took photographs of patients, which were posted on a Web site with their faces blurred.

Much of this activity was methodically tracked by Mr. Gietzen, who said he presides over a network of 600 volunteers, some of whom drove hundreds of miles for a protest "shift." Protesters counted cars entering the clinic gate, and they tracked "saves" — patients who changed their minds. According to Mr. Gietzen's data, over the last five years they had 395 "saves" for an "overall save rate" of 3.77 percent.

They also kept detailed "incident reports" of unusual activity. It was a bonanza if an ambulance was summoned; photographs were quickly posted as evidence of another "botched" abortion.

There seemed an endless supply of fresh accusations.

"Wichita shoppers unknowingly sprinkled with the burnt ash of fetal remains," declared one news release, referring to the clinic's crematorium.

"If I can't document it, I don't say it," Mr. Newman of Operation Rescue said, moments before suggesting without any proof that Dr. Tiller had bought off the local district attorney, Nola T. Foulston, by giving her a baby for adoption. He referred a reporter to a Web site that vaguely asserted that Dr. Tiller "may have delivered the ultimate bribe to Nola Foulston." A spokeswoman for Ms. Foulston declined to discuss the accusation.

Anti-abortion activists routinely portrayed Dr. Tiller's campaign contributions as "blood money" that co-opted politicians. "He owned the attorney general's office," Mr. Newman said. "He owned the governor's office. He owned the district attorney's office."

They relished each confrontation, both for public relations value and for the legal costs inevitably incurred by Dr. Tiller. He spent years, for example, fighting a legal battle to stop them from

planting the crosses, and just about every inch of land outside his clinic was subject to litigation or negotiation.

“We know what you can do on the blacktop,” Mr. Gietzen said. “We know what you can do on the driveway. We know what you can do on the sidewalk.”

In April 2006, though, a volunteer spotted an opportunity for confrontation in one small strip of pavement that he thought had been overlooked: the gutter running between the street and the clinic driveway. The volunteer knelt in the gutter to pray, placing himself in the path of vehicles entering the clinic.

According to the “incident report,” a clinic nurse pulled up and “laid on her horn repeatedly.” When the volunteer “acted as if he did not know that she was there,” the report continued, a clinic guard told him that he was reporting him to the police.

The next day, Mr. Gietzen was standing in the gutter with his volunteer discussing the new tactic when Dr. Tiller pulled up in his armored S.U.V. In another “incident report,” Mr. Gietzen wrote: “Tiller floored his accelerator, and aimed his Jeep directly at us!”

Mr. Gietzen claimed that Dr. Tiller’s vehicle hit him, causing bruising. He promptly filed a police report, generating more news coverage. He then wrote to Dr. Tiller demanding a \$4,000 settlement. When that went nowhere, he sued. He also demanded that Ms. Foulston prosecute Dr. Tiller for attempted murder.

And when she refused, this became more proof of the public “corruption” they traced to Dr. Tiller.

Developing a Sense of Mission

Jacki G., 29, went to Dr. Tiller for an abortion in 1996 after she was raped. She can still remember her trepidation when she and her mother pulled up to the clinic a few weeks into her pregnancy.

In middle school in Wichita, she said, children chanted “Tiller, Tiller, the baby killer.” She recalled the gory Truth Trucks driving around town and the 1991 “Summer of Mercy” protests, when hundreds were arrested for blockading Dr. Tiller’s clinic.

“It makes an impression,” she said.

Not only did she fear the protesters, she also worried about whether Dr. Tiller would be gruff and cold, “only in it for the money,” as his critics alleged. It was almost a shock, she said, to instead meet a slightly nerdy doctor who gently explained every step and kept asking, “Are you doing O.K.?”

Employees said Dr. Tiller did not have moral qualms about his work, in part because he defined it as saving women’s lives and giving them freedom to determine their futures.

“We have made higher education possible,” he said in a speech. “We have helped correct some of the results of [rape](#) and incest. We have helped battered women escape to a safer life. We have made recovery from chemical dependency possible. We have helped women and families struggle to save their unwell, unborn child a lifetime of pain.”

Dr. Tiller recruited a staff that shared his outlook. Mostly women, several used the same word to describe the clinic: “sisterhood.”

They worked under intense pressure, caring for women in distress while constantly confronting protesters eager to pounce on their every mistake. Abortion protesters sent pregnant women into the clinic “under cover,” hoping to catch the staff violating Kansas abortion regulations. One employee,

Ms. Joslin, 68, pulled out an anonymous letter she received a week before Dr. Tiller's death. "Somebody should kill you, so you can't kill anymore," it said.

As Wichita's three other abortion clinics closed under the pressure of protesters, Dr. Tiller cultivated a sense of mission. Throughout the clinic he hung hundreds of framed thank-you letters from patients. He posted a list of "Tillerisms" — his favorite axioms, including, "The only requirement for evil to triumph is for good people to do nothing."

He also paid well and gave bonuses to mark legal victories. In 2001, after heavy protests, he held a party and gave each employee a dozen roses, a medal engraved with the torch of liberty, a T-shirt depicting Rosie the Riveter and the words, "We can do it Team Tiller," and an American flag that had flown over the clinic.

His defiance was as relentless as the protests. When his clinic was bombed, he put up a sign that said "Hell, no. We won't go!" In a fit of anger, he once told an anti-abortion leader, "Too bad your mother's abortion failed." Employees and protesters alike said he even drove into his clinic "with attitude," accelerating slightly as if to emphasize that protesters had no right to block his gate. And when he drove by Mr. Gietzen, he sometimes smiled and lifted an editorial cartoon depicting Mr. Gietzen as a lunatic.

In 2001, protesters began appearing at Dr. Tiller's church with Truth Trucks and a demand that the church ex-communicate the Tiller family.

"They were abusively shouting at people not to take their children into the church because there was a murderer there," recalled the Rev. Sally C. Fahrenthold, then the interim pastor at the church, Reformation Lutheran.

For at least two years, protesters showed up each Sunday, sometimes disrupting services from the pews. Protesters obtained a copy of the membership address book and sent all members postcards showing aborted fetuses.

Years earlier, friends said, the Tillers had been asked to leave another church because of his abortion practice. Reformation Lutheran made no such request. The Tillers were mainstays in the church. Jeanne Tiller sings in the choir, and her husband was a regular in Bible study. Still, the Tillers were saddened by the protests, Pastor Fahrenthold said, and a couple of families left the church.

Eventually the Sunday protests petered out, although every so often protesters returned. Last fall, when the church was recruiting a new pastor, it listed abortion as one of the main challenges facing the membership. "Everybody there was not on the same page on this issue," the new pastor, Lowell Michelson, said in an interview.

Pastor Michelson said he and Dr. Tiller sometimes spoke about abortion. This, he said, is how he learned of adoptions Dr. Tiller sometimes arranged for his patients, in some cases even having women live with his family until after childbirth. "He was giving women in the most desperate of situations options when they had none," he said.

One lingering question in the church, though, was whether to improve security, and there was talk about buying a camera for the church entrance. Dr. Tiller did not perceive any significant threat. He did not, at least in recent years, take his guards to church.

"The church was the one place he felt safe," Ms. Joslin said.

New Strategies by Opponents

Several years ago it became clear to anti-abortion leaders that they needed a new strategy to shut down Dr. Tiller. They eased off their more combative protest tactics and resolved to rely more on

the courts, the Kansas Legislature and the news media to attack him.

They also decided to sharpen their focus on late-term abortions.

Dr. Tiller's clinic Web site boasted that he had more experience with late-term abortions "than anyone else currently practicing in the Western Hemisphere." Since 1998, interviews and state statistics show, his clinic performed about 4,800 late-term abortions, at least 22 weeks into gestation, around the earliest point at which a fetus can survive outside the womb. At 22 weeks, the average fetus is 11 inches long, weighs a pound and is starting to respond to noise.

About 2,000 of these abortions involved fetuses that could not have survived outside the womb, either because they had catastrophic genetic defects or they were simply too small.

But the other 2,800 abortions involved viable fetuses. Some had serious but survivable abnormalities, like [Down syndrome](#). Many were perfectly healthy.

Like many states, Kansas has long placed limits on late-term abortions of viable fetuses. They can be done only to save the woman's life or because continuing the pregnancy would cause her a "substantial and irreversible impairment of a major bodily function," a phrase that Kansas legal authorities, citing [United States Supreme Court](#) cases, have said encompasses the woman's physical and [mental health](#). The state also requires the approval of a second Kansas physician "not legally or financially affiliated" with the doctor performing the abortion.

Even so, Kansas law gives considerable deference to physicians' judgments. Dr. Tiller and his staff said they had a rigorous screening process to comply with the law.

The vast majority of women seeking late-term abortions from Dr. Tiller's clinic were from other states, records and testimony show. Dozens more came each year from Canada and other countries. Many were referred by their obstetrician. Law enforcement officials sometimes gave Dr. Tiller's name to victims of rape or incest.

Prospective patients were required to submit a battery of medical records. They were asked whether they had considered adoption. Before meeting Dr. Tiller, women were interviewed by at least two clinic counselors. Many of the questions — about appetite, sleep habits, thoughts of [suicide](#) — were intended to detect symptoms of severe mental illness. Patients were also examined by a second physician, as required by law.

According to sworn testimony by his staff, hundreds of women were turned away each year because they did not meet the legal requirements for a late-term abortion.

When late-term abortions were done, Dr. Tiller typically injected a lethal drug into the fetus's heart, then induced labor after the heart stopped. The entire process typically took several days, and many patients have written tributes about the sensitive care they received.

Abortion opponents focused on a different aspect of the procedure: the fees. Describing Dr. Tiller's "decadent, lavish lifestyle," an Operation Rescue Web site included a photograph of his 8,500-square-foot home.

Based on Dr. Tiller's sworn testimony, his clinic grossed at least \$1.5 million in 2003 from late-term abortions, a small fraction of the total number of abortions his clinic performed. On average, he charged \$6,000 for a late-term abortion, and by his calculation the clinic's profit margin was 38 percent.

Anti-abortion leaders were determined to demonstrate that Dr. Tiller enriched himself by performing late-term abortions for trivial reasons, and they believed that Kansas law offered the key to exposing that and closing him down. A billboard in Wichita asked, "Is Tiller above the law?"

They found two powerful champions.

The first was Phill Kline, a conservative radio host and fierce abortion opponent who was elected attorney general of Kansas in 2002 and promptly opened an investigation into Dr. Tiller.

In 2004, Mr. Kline subpoenaed case files of 60 women and girls who had late-term abortions performed at Dr. Tiller's clinic. (He also sought 30 files from [Planned Parenthood](#) in Overland Park.) Mr. Kline said his inquiry centered on potential violations of the late-term abortion law and a second law requiring physicians to report evidence of sexual abuse against minors.

The second champion was [Bill O'Reilly](#) of Fox News, host of the nation's most-watched cable news program, who began attacking Dr. Tiller in 2005, eventually referring to him as simply "Tiller the baby killer." Mr. Gietzen said he and other activists fed tips to Mr. O'Reilly's staff. Mr. O'Reilly began one program this way: "In the state of Kansas, there is a doctor, George Tiller, who will execute babies for \$5,000 if the mother is depressed."

Dr. Tiller assembled a legal team to derail Mr. Kline's investigation. While the Kansas Supreme Court refused to quash Mr. Kline's subpoena, it was clearly uneasy. Noting that the files "could hardly be more sensitive," the court ordered identifying information redacted and warned both sides to "resist any impulse" to publicize the case.

Mr. Kline's investigators tried to identify patients anyway, court records show. Mr. Kline also hired medical experts recommended by anti-abortion groups and gave them access to the files without requiring them to pledge confidentiality.

One expert, Paul McHugh, a professor of [psychiatry](#) at Johns Hopkins, then discussed the files — though not identities — in a videotaped interview arranged by anti-abortion activists that quickly made its way to Mr. O'Reilly and others in the news media.

Calling Mr. Kline's conduct "inexcusable," the Kansas Supreme Court reprimanded him in an opinion that questioned his ethics and honesty. "Essentially, to Kline, the ends justify the means," the justices said.

Legal Victories

Nonetheless, Dr. McHugh's interview raised the question of whether Dr. Tiller had used readily treatable mental health maladies as a pretext to justify late-term abortions.

According to Dr. McHugh, the files he saw contained diagnoses like [adjustment disorder](#), [anxiety](#) and [depression](#) that to his eyes were not "substantial and irreversible." He also claimed that some women offered "trivial" reasons for wanting an abortion, like a desire to play sports. "I can only tell you," he said in his taped interview, "that from these records, anybody could have gotten an abortion if they wanted one."

Yet Dr. McHugh's description of the files left out crucial bits of context. He failed to mention, for example, that one patient was a 10-year-old girl, 28 weeks pregnant, who had been raped by an adult relative. Asked about this omission by The New York Times, Dr. McHugh said that while the girl's case was "terrible," it did not change his assessment: "She did not have something irreversible that abortion could correct." (Dr. Tiller's lawyers, who have called Dr. McHugh's description of the patient files "deeply misleading," declined to discuss their contents.)

Not content to rely only on Mr. Kline, anti-abortion leaders also took advantage of an obscure Kansas statute allowing residents to petition for grand jury investigations. They gathered thousands of signatures to convene two grand juries focusing on Dr. Tiller.

The first, in 2006, investigated the case of Christin A. Gilbert, a 19-year-old with Down

syndrome who died two days after having an abortion at Dr. Tiller's clinic. The autopsy concluded that Ms. Gilbert "died as a result of complications of a [therapeutic abortion](#)," most likely infection. But the Kansas Board of Healing Arts, after an 11-month investigation by two separate panels, cleared Dr. Tiller of wrongdoing. The grand jury declined to indict.

Mr. Newman of Operation Rescue appeared before the second grand jury armed with a thick briefing book summarizing his group's investigation into Dr. Tiller. The grand jury was also given access to medical records for more than 150 randomly selected patients who had late-term abortions.

It also declined to indict.

But it did so in a way that was less an exoneration than a criticism of the Legislature for failing to provide clearer guidelines. The law as written and interpreted, the grand jury complained in a statement, seemed to allow late-term abortions to prevent health problems that "as a matter of common interpretation" were not "substantial and irreversible." The grand jury said lawmakers had intended to limit these late-term abortions to "only the gravest of circumstances," yet Dr. Tiller's files "revealed a number of questionable late-term abortions."

In 2006, Mr. Kline lost his re-election bid by 17 percentage points to Paul J. Morrison, who made Mr. Kline's abortion investigation a major issue. To anti-abortion activists, Mr. Kline's defeat was yet another example of Dr. Tiller's raw clout. Dr. Tiller, they said, had given hundreds of thousands of dollars to a political action committee that criticized Mr. Kline, who was labeled the "Snoop Dog." They claimed that Dr. Tiller would press the new attorney general to end Mr. Kline's investigation.

Instead, Mr. Morrison charged Dr. Tiller with 19 misdemeanor violations of the late-term abortion law involving the very files Mr. Kline had subpoenaed.

Dr. Tiller was charged with violating the provision requiring the independent approval of a second Kansas doctor. The same doctor, Ann K. Neuhaus, had signed off on all 19 cases. She typically saw patients at Dr. Tiller's clinic once a week. Although patients paid her directly, prosecutors claimed that she and Dr. Tiller had a symbiotic relationship because his patients were her only source of income.

Dr. Tiller responded with customary self-confidence, insisting that he would take the stand.

The trial so long sought by abortion foes took place this March. It quickly became clear that the case was far from ironclad. The prosecutor produced no evidence of shared fees, partnership agreements or kickbacks. He was reduced to pointing out that Dr. Neuhaus had hugged Dr. Tiller before testifying.

Worse still, there was evidence that an official for the Kansas Board of Healing Arts had suggested the arrangement with Dr. Neuhaus, who had closed her own women's health clinic to care for her diabetic son. There was also evidence that several times a year Dr. Neuhaus disagreed with Dr. Tiller about whether an abortion was necessary. As for Dr. Neuhaus examining women at his clinic, Dr. Tiller told jurors that was done to spare patients repeated confrontations with protesters.

Why, he was asked, were so few doctors in America willing to perform late-term abortions? "Because of the threat to themselves and to their family," he replied.

Why had he not switched to another kind of medicine? "Well," he said, "quit is not something I like to do."

The jury took less than 30 minutes to acquit Dr. Tiller of all charges.

It was an enormous victory, but Dr. Tiller's supporters feared a backlash. Anti-abortion activists who had attended court sessions were disgusted. Mr. Newman remembered one new face among the

regulars in court — Scott Roeder, who told other protesters that the trial was a “sham” and had argued in years past that homicide was justifiable to stop abortions.

Facing the Risks

On Sunday, May 31, Reformation Lutheran Church celebrated the Festival of Pentecost with a special prelude of international music.

Most members were already settled in the pews, but Dr. Tiller, an usher that morning, was greeting stragglers in the foyer by the sanctuary entrance. His wife was in the sanctuary where Pastor Michelson, beating a darbuka drum, was midway through an African song called “Celebrate the Journey!”

Pastor Michelson heard a sharp noise but thought it was probably a child dropping a hymnal. Then an usher beckoned him toward the sanctuary entrance. “George has been shot,” the usher told him quietly.

Two church members were already performing CPR on Dr. Tiller by the juice and coffee table. Pastor Michelson heard someone say a gunman — later identified by the police as Mr. Roeder — had fled.

Pastor Michelson thought of the families, the children, in the sanctuary. An assistant pastor, trying to avoid panic, went ahead with the service. Dr. Tiller died in the foyer.

Long ago, he had accepted the possibility he might be assassinated. It was something he and his fellow abortion providers had quietly discussed, and friends said he had lost count of all the death threats.

Even so, there was a mood of stunned rage when local abortion rights advocates gathered the Friday after his killing at First Unitarian Universalist Church in Wichita.

Marla Patrick, the Kansas state coordinator of the [National Organization for Women](#), spoke of all the other abortion providers who had been killed, injured or threatened. Including Dr. Tiller, four doctors have been slain in the United States since 1993. It was time, she said, for law enforcement to treat abortion violence as “domestic terrorism.”

Pedro L. Irigonegaray, a lawyer for Dr. Tiller, aimed his fury at Mr. Kline and Mr. O’Reilly, saying their “fraudulent charges” had surely been meant to incite “a response from radicals.”

But it was a demoralized group. In Topeka, the state capital, they have long been outmuscled by conservative Christians, who have been steadily chipping away at abortion rights. One woman, a lobbyist for abortion rights, described how some legislators literally turned their backs when she testified.

Gail Finney, a junior member of the Legislature, stood and asked why there had not been more outcry from the state’s leaders over Dr. Tiller’s killing.

“Where’s the anguish?” Ms. Finney said.

Not a single Kansas politician of statewide prominence showed up the next morning for Dr. Tiller’s funeral, which drew 1,200 mourners. Nor were any at Reformation Lutheran the next day, the first Sunday service after his death.

In the foyer where he was shot, the juice and coffee table had been turned into a memorial, with Dr. Tiller’s photograph next to a basket of buttons he had passed out by the boxful to patients, employees and friends. “Attitude is Everything,” they said.

Outside, Pastor Michelson greeted families with hugs. “There was no way I was going to hide

inside,” he later said.

The Tiller clan took their usual spot in the pews, and Mrs. Tiller, radiant in red, was embraced again and again. Flowers from her husband’s funeral framed the altar.

The church was more crowded than usual.

In his sermon, Pastor Michelson openly acknowledged his own apprehensions. “Our sanctuary has been violated,” he said. He urged his congregation to rise above fear and anger, and took note of the supportive letters and e-mail messages from churches all over the country.

Only later, during an interview, did he mention all the hate mail.

An End to the Fight

The next morning the Tillers announced the clinic’s closing.

“We are proud of the service and courage shown by our husband and father and know that women’s health care needs have been met because of his dedication and service,” the family said in a statement. “That is a legacy that will never die.”

Mr. Gietzen absorbed the news in his dimly lighted basement, surrounded by dusty stacks of anti-abortion literature, news releases and petitions. Dozens of campaign signs, including one for Mr. Kline, covered one wall. In a corner he had built a crude assembly line for producing the crosses he planted at Dr. Tiller’s clinic. In his driveway was Truth Truck No. 3, proclaiming “Abortion is an ObamaNation.”

Mr. Gietzen juggled two phones, one for his volunteers and one for his Christian dating service.

A volunteer called and Mr. Gietzen issued instructions to call off a protest at the clinic. No need now, he said.

The phone rang again. A volunteer wondered whether the announcement was a trick.

“Listen, Donna,” he said, “I’m sure it’s not a ploy.”

Another call: The voice was jubilant. “God has his own way,” Mr. Gietzen replied, “but you can’t say our prayers weren’t answered.”

Yet later, Mr. Gietzen said his feelings were more complex. Many years ago, he explained, he had wrestled with the question of whether it would be moral to kill Dr. Tiller. Only after months of reading and praying, he said, did he conclude that violence could never be justified. Killing men like Dr. Tiller, he said, will only put off the day when abortion is outlawed altogether.

“He has killed more babies than he has saved,” Mr. Gietzen said of Mr. Roeder. “I don’t care how much fan mail he is getting.”

As he explained himself, Mr. Gietzen did something unexpected. He spoke admiringly of the man he reflexively referred to as “Abortionist Tiller.” He said he was “very smart” and a “great businessman.” He said that if he had been in town he would have attended Dr. Tiller’s funeral to pay his respects.

[“A worthy adversary,” he said. “He was right back at us.”](#)

August 10, 2009

Militants contact Roeder in jail

By JUDY L. THOMAS

Kansas City Star

The list of those visiting and communicating with the man accused of killing Wichita abortion provider George Tiller reads like a who's who of anti-abortion militants.

Two convicted clinic bombers. The man behind the Army of God Web site. Several activists who once signed a declaration that defended the killing of abortion providers.

And federal agents have now talked to many of them.

As Scott Roeder sits in the Sedgwick County Jail awaiting trial on murder charges, a federal investigation is under way to determine whether there was a conspiracy involved in Tiller's death.

Abortion-rights advocates say Roeder's contacts since the shooting raise questions.

"This is definitely a concern," said Eleanor Smeal, president of the Feminist Majority Foundation. "This guy has been in the hard-core anti-abortion circle for a long time, and there has been a pattern of communication and encouragement among these people."

Those supporting Roeder say there is no conspiracy, no matter who contacts him.

"The only way they're going to prove that is if they make one up," said Jennifer McCoy, who served time in prison for trying to burn down abortion clinics in Virginia in the 1990s and now lives in Wichita.

McCoy, who has visited Roeder several times in jail, said she called the FBI and told agents that she planned to see Roeder.

"I told them that they better have a dang good reason if they come ask me any questions, and that I had every intention of going to visit him and talk to him," said McCoy, who also attended Roeder's preliminary hearing on July 28. "I didn't know him before, but now I have no problem visiting him."

FBI and U.S. Justice Department officials declined to comment on the investigation.

The federal investigation into the possible existence of a conspiracy began after Tiller — one of a handful of doctors in the country who performed late-term abortions — was shot in the foyer of his Wichita church on May 31 while serving as an usher.

Roeder, 51, of Kansas City, was charged with first-degree murder. He has pleaded not guilty, and a trial is scheduled for Sept. 21.

Roeder's bond was originally set at \$5 million, but a judge raised it to \$20 million after Roeder called the Associated Press on June 7 and warned that there were "many other similar events planned around the country as long as abortion remains legal."

Contacted by agents

Several Kansas City-area anti-abortion activists told the Kansas City Star that they have been contacted by the FBI. Among them are Anthony Leake and Eugene Frye, who have made regular trips to Wichita to visit Roeder.

Frye said he was contacted within a few days of Tiller's murder because he and another activist had said in interviews that they had seen Roeder two weeks before the shooting.

"The FBI came around and wanted to know what we knew about his activity and whether he said anything," Frye said. "I knew Scott for 15 years. Never one time did he ever give any indication that he was going to do anything violent."

Frye said the idea of a conspiracy "is just ludicrous" and amounts to "nothing more than a witch hunt." He said he is visiting Roeder in jail because he wants to help Roeder talk through using a justifiable homicide defense if that is his wish.

"He's entitled to publicly tell his reason why he did what he did," Frye said. "Whether he gets found guilty, that's up to the courts."

Leake, who for years has vocally supported the use of force against abortion providers, said he is not talking to authorities and has forwarded their inquiries to his attorney.

He said he didn't think anyone persuaded Roeder to go after Tiller.

"I don't believe anyone in good conscience could encourage someone to take a step like that," Leake said. "That's something they'd have to do on their own."

He added, however, that "I support the shooting of George Tiller as justifiable homicide. I only wish that it would have happened in 1973, before he was able to murder his first child."

Frye and several other abortion foes have been placed on the prosecution's witness list in the case.

Among them is Shelley Shannon, the woman who shot and wounded Tiller in 1993. Investigators won't say why she is on the list, but the Rev. Donald Spitz, the director of Pro-Life Virginia, who calls Roeder an "American hero," said Shannon has been writing letters from prison encouraging people to support Roeder.

And in an interview last month, Roeder told the Star that he had visited Shannon when she was serving time in prison in Topeka for shooting Tiller. Shannon is now serving a 20-year sentence for a series of clinic bombings and arsons in the Pacific Northwest.

Also on the witness list is McCoy, who was sentenced in 1997 to 2 1/2 years in prison for two Virginia clinic arsons and is now living in Wichita. She told the Star she had been "sidewalk counseling" outside Tiller's clinic at least once a week for years.

McCoy, who used to go by the name Jennifer Patterson Sperle, said she had visited Roeder several times "and I intend on going back, because while he's here, he just needs to know that people care about what happens to him."

Letters in jail

In addition to his visitors, Roeder has received scores of letters in jail.

Among the writers are Spitz, who operates the Army of God Web site, which advocates killing abortion providers; Dave Leach of Iowa, who once published the Army of God manual, a "how to" book on clinic violence; and Michael Bray of Ohio, who spent four years in prison for the firebombings of abortion-related facilities on the East Coast in the 1980s. Bray also wrote the book "A Time to Kill," which offers religious arguments for using force to stop abortion.

All three, who confirmed they've written to Roeder, signed a 1993 declaration advocating the use of force against abortion providers. The petition was circulated by Paul Hill, who shot an abortion provider and his escort to death in Pensacola, Fla., in 1994.

Spitz said he also talks to Roeder by telephone every week.

"We talk about defending the unborn with the use of force, but we don't talk about his particular case," Spitz said. "I sent him some Paul Hill pamphlets, and recently he requested Mike Bray's book."

Spitz said he mailed the book to Roeder's lawyers, but Roeder said they would not give it to him until he went to prison.

Spitz said he had not been contacted recently by any authorities. If they do come calling, he said, he won't talk to them.

He said there is no conspiracy to commit violence.

"I think people now know not to discuss anything with anybody because they don't want to implicate others," he said.

Spitz said he communicates with Shannon frequently and added that she was upset to learn she was on the prosecution's witness list.

Bray, whose name also appears on the prosecution's witness list, told the Star that he'd been trading letters with Roeder since Roeder's arrest.

Bray said he had not been contacted by authorities, but he thinks he knows why.

"I always tell the FBI when they come around, if you want me to help you find something on such-and-such, I'll do that," he said. "But if you want to find someone who's trying to save babies, I've got nothing to say to you. So they don't ever bother coming around anymore."

Another activist who has been communicating with Roeder is Linda Wolfe of McMinnville, Ore. Wolfe said she's been sending money to Roeder at the request of her friend, Shelley Shannon.

"She wrote me a letter and said, 'Please send him some money. I was there seven months. The food is horrible.' I sent him \$20 or \$30, then I sent him \$30 the first of July, and I told him I'll send him \$30 the first of every month."

Wolfe said Roeder sent her a letter and a pamphlet that praised Paul Hill.

"I just trashed it," she said. "I told him I really believe he's wrong and that I hoped we could work through this. He needs to be kept uplifted."

Roeder has sent the Paul Hill pamphlets to numerous people, including his ex-wife, Lindsey Roeder. In a June 12 letter, Roeder included the Hill brochure and an article about Tiller's death called "The Just End to a Violent, Wicked Man."

The article, written by Dan Holman of Missionaries to the Pre-Born Iowa, defended Tiller's murder and criticized abortion opponents who have condemned the killing.

Also included was a handwritten note to Roeder from Holman. The note said: "Hang in there, Scott. Don't deny the truth or the humanity of the pre-born."

August 19, 2009

Des Moines Anti-Choicer Hopes to Free Alleged Tiller Assassin

By *Jason Hancock*

Created *Aug 19 2009 - 7:00am*

This article is part of a partnership between RH Reality Check and the Center for Independent Media and also appeared on the [Iowa Independent](#) [1].

A Des Moines anti-abortion activist has had repeated contact with the man accused of killing Kansas doctor George Tiller in May, and is even working on a legal strategy for him that he believes will result in acquittal.

Dave Leach publishes a newsletter called “Prayer & Action News,” which advocates the doctrine of justifiable homicide in the case of abortion doctors. The man accused of murdering Tiller, [Scott Roeder, was a contributor to the publication.](#) [2]

In an interview, Leach said he has spoken with Roeder several times since his arrest, including twice on Thursday to discuss legal strategy. Despite the fact that Leach is not an attorney, he has [prepared a legal brief he believes will get Roeder acquitted.](#) [3] and “Scott is willing to go along,” he said.

Leach sent a copy of the brief to Roeder’s attorney but has not gotten a response.

Leach has proposed that Roeder stipulate that the facts alleged in the criminal complaint against him are true in order to focus the case on the so-called “necessity defense.” Roeder is accused of shooting Tiller in the foyer of his Wichita church on May 31 in order to stop him from performing abortions.

The hope is that refusing to contest the facts of the case will leave no other option to the judge but to let the jury hear argument regarding whether Roeder was forced to commit murder in order to stop an “unlawful harm,” meaning abortion.

“In probably all previous cases, the dog-and-pony show proceeded, the prosecutor bringing in his witnesses to prove what nobody seriously contests,” Leach said. “That way there is an appearance of a right to trial by jury. The jury gets to weigh the facts, which the defendant does not contest. But I have proposed to Scott that he stipulate to the alleged facts, making the dog-and-pony show irrelevant to any additional information the jury needs to make its determination, and dramatically isolating the necessity defense as the sole contested issue of the case.”

In the past, judges have thrown out “necessity defense” arguments regarding crimes committed to stop abortion because abortion is legal, and therefore protected by the law.

“Legally protecting a harm does not render it harmless,” Leach said. “The necessity defense requires reasonable people to judge whether a harm is in fact harmless, regardless of how courts or lawmakers feel about it.”

If the decision is given over to a jury, Roeder will go free, he said.

Margaret Raymond, a law professor at the University of Iowa who previously practiced as a criminal defense attorney, has not read Leach’s legal brief but said the likelihood that a judge will allow a jury to hear an argument of “necessity defense” in a case like this is quite small.

“Typically, you don’t get to use that defense in murder cases,” she said. “The problem with a necessity defense in this case is that it is hard to say that something that the law permits is an act that must be prohibited at the cost of death.”

Juries are only permitted to hear claims that fit within legal parameters. If the law permits the claim, the facts surrounding the claim would go to the jury to decide.

“The jury doesn’t get to hear a claim that isn’t legally plausible,” Raymond said. “If there is no legal basis for the claim, then it cannot go to the jury. Juries are not supposed to decide things outside of the law. They get to decide fact within the law.”

The necessity defense, in general terms, says that it is OK to commit a crime in order to avoid a much greater harm, she said. For instance, a person with a suspended drivers license could drive a person to the hospital if it meant saving their life.

“The question would be whether the necessity defense would permit somebody to claim that something that is legally protected created a necessity to justify homicide,” Raymond said, adding: “My guess is that this is not going to be a strong defense. The irony is that the first thing he is asking him to do in order to use a necessity defense is admit he committed the crime. That is not necessarily something a criminal defendant wants some third party going around announcing.”

Even if the judge allows this defense to go forward, Roeder may still go to prison, Leach said. But he believes it would set a legal precedent allowing those who block the entrances of abortion clinics and “perhaps even building burners” to use that defense in the future, Leach said.

“I, personally, would prefer a bloodless way to stop bloody abortion. But it isn’t up to me,” he said, adding: “So I suppose the correct answer would be, yes, lovers of abortion have great reason to fear that they will suffer the same violence they have voted to inflict upon 50 million American unborn. But not from me.”

Leach is not the only anti-abortion activist to contact Roeder in prison. The Wichita Eagle reports that he has been visited by “[a who’s who of anti-abortion militants](#), [4]” a fact that has worried abortion-rights advocates.

Fear of a possible conspiracy to commit more acts of violence against abortion providers has led to a federal investigation, and the FBI has questioned several of Roeder’s visitors. Leach said the FBI has not contacted him.

He has been in contact with other anti-abortion activists around the country to share his legal brief, Leach said. So far, only Regina Dinwiddie, a Kansas City anti-abortion activist who made headlines in 1995 when she was ordered by a federal judge to stop using a bullhorn within 500 feet of any abortion clinic, has given him feedback.

This is not Leach’s first brush with the spotlight. Following Tiller’s assassination, [Leach was prominently featured by national news media](#) [5] due to his previous ties with Roeder.

In the mid-1990s, Leach’s association with the accused killer of a Florida abortion doctor helped persuade U.S. marshals to guard the Planned Parenthood clinic in Des Moines.

In the January 1996 issue, Leach published the Army of God manual, which advocates the killing of the providers of abortion and contains bomb-making instructions. Because of this, he was fired from his job as a writer for an Ankeny newspaper.

In 2002, he tried to air videotape of patients entering a local Planned Parenthood clinic on public-access cable TV. Mediacom Communications Corp. decided it would not allow him to air the footage.

[No junk defense for Roeder](#) If he is willing to stipulate to the facts, he should just do so and accept his conviction and sentence. Thank you for not assigning Leach's argument to the pro-life community-at-large. He is a murderer, i.e., anti-life. Jim Grant, Pro-lifer Submitted by [jgbeam](#) on August 19, 2009 – 2:27pm.

[Justifiable homicide?](#) Justifiable homicide? What is that? Killing another for whatever reason is unacceptable. What is the meaning of pro-life when you pro carrying a baby to full term and then pro killing another human? Shouldn't pro-life be universal and applies to all human, be it in the foetus or out of the womb? Submitted by [Kaylee_lucas](#) on August 20, 2009 – 2:49am.

[another argument against the "rogue individual" theory](#) The evidence just continues to show that this a terrorist network and that law enforecemtn must treat it as such. Submitted by [Mary Alice](#) on August 21, 2009 – 10:24am.

[One supporter does not a network make](#) Where in this article do you see evidence of a terrorist network? Jim Grant, Pro-lifer Submitted by [jgbeam](#) on August 23, 2009 – 10:48am.

[Maybe this...](#) Probably this statement: "Leach is not the only anti-abortion activist to contact Roeder in prison...he has been visited by ["a who's who of anti-abortion militants."](#) I think "terrorist network" is quite apt. Submitted by [hatmaker510](#) on August 24, 2009 – 11:02am.

[After reading about his visitors](#) I just read the linked article about Roeder's visitors (& other contacts who call/write). Some people with direct contact with him actually scoffed at the idea of a possible conspiracy. Scoffers who were directly involved in or linked to advocating such assassinations. Their efforts include distribution of lists, writing books and pamphlets, even a how-to manual for clinic violence. And that's just what's out in the open - who knows about their other activities & affiliations. Considering all that, it's hardly a stretch for the feds to investigate possible conspiracies. Quite the opposite - they would be remiss if they hadn't. I won't touch the ridiculous idea of a necessity defense. Thanks very much, Jason, for bringing all this together in one article. Melissa Submitted by [hatmaker510](#) on August 24, 2009 - 12:35pm.

[I was stunned by this](#) I was stunned by this attitude from a convicted felon: "I told them that they better have a dang good reason if they come ask me any questions, and that I had every intention of going to visit him and talk to him," said McCoy, who also attended Roeder's preliminary hearing on July 28." I feel strongly that we need to establish a domestic terrorist watch list and treat the men and women who have been convicted of acts of domestic terrorism in much the same way that we treat sex offenders. "The only difference between the American anti-abortion movement and the Taliban is about 8,000 miles." Dr Warren Hern, MD Submitted by [colleen](#) on August 24, 2009 – 12:42pm.

My comment Aug 25:

If the lawyer commenting on my brief ever gets around to reading it, I would love to know what she thinks of it then. Meanwhile, I would consider it a risk to my reputation to comment publicly on a brief I hadn't read! I would love to know even what Jason told her about my brief, upon which she based her comments.

Pro 18:13 He that answereth a matter before he heareth it, it is folly and shame unto him.

The comments she made are the same expectations I would have had, before this brief came together in my mind. I would love to know what Jason told her about it, as a basis for the reaction that she had. It surprises me that if she understood the strategy of stipulating to the alleged facts in order to isolate the sole contested issue, that she would still so cavalierly dismiss any hope of the judge being forced to give the jury SOMETHING to weigh. Just because it has been denied 100,000 times before doesn't necessarily predict what will happen this time, since in no previous case that I know of, and certainly not in the few cases so high profile that strong arguments could not be swept under the rug, have prolife defendants stipulated to the facts in order to isolate the contested issue.

It should not seem a radical position to ask that a jury of reasonable people, judging by reasonable standards, hear the only seriously contested issue of a case, so that a man may have a right to trial BY JURY. In 100,000 abortion-interrupting cases, there was no serious dispute over the facts. Sure, the prolifer sat in front of the stupid door. The dispute wasn't over what the prolifer did, but over what the abortionist did which the prolifer prevented. When a judge orders the defendant not to say a word about the only defense he has, can you say "right to trial by jury"?

Had the law professor actually read my brief, she would have seen several legal reasons why, as a matter of law, the jury should be informed of the defense. Like, how's this: Roe v. Wade literally declared that not one single American judge is qualified to determine "when life begins", which is part of what must be done to determine whether abortion is a "harm" whose prevention is justified. But juries, called by every judge "the triers of the facts", are qualified.

Americans support abortion because they think it is "legal". Nothing can be more illegal than what courts have done all these years to keep abortion "legal".

[Future harm](#)

Certainly the exact same argument could be used as a defense in the killing of a protestor outside an abortion clinic -- since in the past abortion protestors have killed a number of people, shooting one of them is justifiable as defense against their possible future actions. This could be extended into all kinds of areas - any one previously convicted or even accused of rape or child abuse or any other crime could be shot preemptively in case they might get the urge again someday. Heck, people could shoot people who look like they MIGHT someday in the future do something.

Submitted by [crowepps](#) on August 25, 2009 – 2:17pm.

Seriously.

At the risk of telling you what you already know but were just being facetious, the way it works in court is that the jury considers what "a reasonable person", looking at the evidence available, would conclude was an "imminent" serious harm. Kansas law in particular, but I think the laws of every state, specify that the harm must be "imminent". "Imminent" hasn't been defined very well, in my opinion; it is often taken as the nearness in seconds of the anticipated harm to its prevention. That would of course rule out Scott Roeder's action, which was a full day before the next round of killing. My proposed brief argues that if saving lives is anyone's concern, it ought to be defined in a way that permits lives to be saved. Its criteria ought to be nearness in time to the window of opportunity to prevent the harm, combined with certainty that the harm would happen if not prevented. Dave Leach www.Saltshaker.US
Submitted by [AcknowledgeHimN2010](#) on August 26, 2009 - 9:35am.

August 29, 2009

Justifiable homicide defense eyed in Roeder's case

ROXANA HEGEMAN | Posted: Saturday, August 29, 2009 2:15 pm

FILE -In this July 28, 2009 file photo, Scott Roeder, left, attends his preliminary hearing in court in Wichita, Kan. Roeder, 51, is charged in the death of Dr. George Tiller. (AP Photo/Jaime Oppenheimer, Pool)

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The suspect in the killing of abortion provider George Tiller is in talks with a prominent attorney who represents anti-abortion protesters and has long advocated justifiable homicide as a legal defense in such cases.

Scott Roeder, 51, has pleaded not guilty to first-degree murder and aggravated assault charges in the May 31 shooting death of Tiller in the foyer of his Wichita church. The Kansas City, Mo., man has refused to discuss his case, but he has told The Associated Press that Tiller's killing was justified to save "the lives of unborn children."

Roeder has court-appointed defense attorneys, but he apparently has now turned to Michael Hirsh, the lawyer who represented Paul Hill on appeal for killing a Florida abortion provider and his bodyguard in 1994. Hill was executed in 2003 after the Florida Supreme Court rejected Hirsh's argument that the judge should have allowed Hill to present to jurors his claim that the killings were justified to prevent abortions.

Hirsh confirmed he has spoken once to Roeder in recent weeks about representing him, but he has not yet been retained. Hirsh said he had not researched the facts of the case or Kansas law enough to know whether the justifiable homicide defense could be used but said a jury should be allowed to decide if it is applicable.

Roeder's trial is scheduled for Sept. 21, though public defender Mark Rudy said he anticipates filing for a continuance.

Rudy declined to comment on Hirsh's possible role in the case. Roeder did not respond to a letter from the AP seeking comment.

The Florida Supreme Court ruled in denying Hill's appeal that his motivation would not change the outcome of the case. "As a practical matter, permitting a defendant to vindicate his or her criminal activity in this manner would be an invitation for lawlessness," the justices wrote.

But Hirsh discounted the suggestion that if a jury acquitted Roeder of murder based on such a defense, it would lead to an open season on abortion doctors.

"It has been open season on unborn children for over 30 years. I think on abortionists there will be a bag limit," Hirsh said in a phone interview this week from his Kennesaw, Ga., office.

He previously represented anti-abortion activist Regina Dinwiddie of Kansas City, Mo., who was among the first protesters targeted in 1995 under the Freedom of Access to Clinic Entrances act. Dinwiddie was barred from going within 500 feet of a clinic.

The principle of self-defense and the defense of another has been recognized for centuries, Hirsh said. But he acknowledged its use in abortion-related cases has been stifled, saying that in Hill's case, the prosecutor and judge made sure jurors wouldn't hear it.

"We don't know if it would have prevailed or not and they were scared out of their mind, and you could see it, that it might have," Hirsh said. "And so it's not fair to say it never worked. Well, it hasn't been tried, either."

Richard Levy, a professor at the University of Kansas School of Law, said such defenses can work, but not necessarily in the context of abortion. The law requires that the threat be imminent, the force reasonable in response and the activity involved unlawful.

Any claim that killing an abortion provider is justifiable likely would fail, he said.

"In particular in the circumstances of the murder of Dr. Tiller there is an imminence problem, there is no imminent threat and, more fundamentally, the activities he was engaged in were legal," Levy said.

The question is whether a judge would allow jurors to consider that defense.

Wichita attorney E. Jay Greeno, who defended Rachelle "Shelley" Shannon for shooting Tiller in both arms in 1993, said the judge repeatedly shut her down when she tried to testify about abortions the doctor performed.

Procedurally, the judge in Roeder's case would likely hold a pretrial hearing on whether Roeder's

attorneys could raise that defense at trial.

"There might be some hope that there would be jury nullification _ the jury would vote to acquit _ if there were right-to-life advocates within the jury who accepted the argument that an unborn child is a human being and that abortion is murder and therefore the murder of a physician who performs abortion is also justifiable," Levy said.

Dave Leach, an anti-abortion activist in Des Moines, Iowa, who in 1996 reprinted the Army of God manual that lists ways to damage abortion clinics, recently wrote a legal brief for Roeder's case on the "necessity defense." He argued that had the alleged shooter not acted, the killing of hundreds of babies every week would have continued. He sent it to Roeder's public defenders, but they have not responded.

Rudy acknowledged that Roeder's attorneys have received several suggested defense strategies, adding that they have given them the "appropriate due response." (Meaning, the circular file?)

Posted in National on Saturday, August 29, 2009 2:15 pm Updated: 4:03 pm. |

August 31, 2009

Posted on Mon, Aug. 31, 2009

FBI traces members of abortion murder suspect's study group

By
The Kansas City Star

JUDY

L.

THOMAS

They met in one another's homes on Saturdays, their Sabbath, for potluck dinners and scripture study sessions.

Among the topics: The Old Testament, their Hebrew roots and the "secret societies" attempting to control government and culture.

Among the members: Scott Roeder, the Kansas City man accused of killing Wichita abortion doctor George Tiller.

As the investigation continues into whether Roeder acted alone in Tiller's May 31 death, members of the study group have found themselves in the spotlight, showing up on the witness list for the prosecution and being interviewed by the FBI.

Even a rabbi at an Overland Park congregation of Messianic Jews has been questioned, although Roeder's group broke away after some members were asked to leave the synagogue.

"People are trying to make something out of nothing," said Michael Clayman, an attorney who was host for the group for a time in his Merriam home.

"It was like any other Bible study around town. It was a bunch of guys having spaghetti and meatballs, talking about philosophy. It wasn't a bunch of Jim Jones people meeting or drinking Kool-Aid or plotting things. No cult, no nothing."

The group does help explain the foundation of some of Roeder's beliefs, which included distrust of government and opposition to abortion.

Those attending the study group describe themselves as Messianic Jews who, unlike mainstream Jews, believe that Jesus was the Messiah. Some people who call themselves Messianic Jews, such as Roeder, are not Jewish.

Messianic Jews observe many Jewish customs, including dietary laws and holidays.

In a recent interview, Roeder said he "had become a believer" around 1992.

"I converted, born again to Christianity," he said. "I guess you could say Messianic, or turned to Jesus, Yeshua, as my Savior." He said Messianic believers such as himself had gone "back to our Hebrew roots."

Roeder said he preferred going to a study group instead of a more formal religious setting because "organized religion is 501(c)3 tax-exempt organizations, which are businesses."

"We stay away from them," he said, adding that religious organizations receiving tax-exempt status become corrupt because they are beholden to the government.

Roeder and other members of the Bible study used to attend the Or HaOlam Messianic Congregation in Overland Park but split off, some said, because the leaders did not want to hear their talk about Freemasons and other "secret societies."

They also didn't approve of Or HaOlam being registered as a nonprofit corporation with the state of Kansas.

Rabbi Shmuel Wolkenfeld of the Or HaOlam congregation confirmed that Roeder and the others left over disagreements. Wolkenfeld said he hadn't seen them for several years.

"We had such divisive conversations with them," he said. "Scott became displeased with us because we were an incorporated Kansas charity."

He said the group also espoused conspiracy theories — including an assertion that Prince Charles is the Antichrist — and that eventually, he and the elders had to "uninvite" two of Roeder's friends.

"With Scott, we had a bunch of discussions, then he just disappeared," he said. "I wish we could have helped him, but he had his own opinions."

Wolkenfeld said the congregation was shocked by Tiller's slaying.

“Our congregation is certainly pro-life,” he said. “So for something like that to happen is abhorrent. All it does is bring disgrace on the whole cause.”

Wolkenfeld said two Wichita police detectives paid him a visit after Tiller’s murder to ask about Roeder.

“What they said was they knew we had a history with him and they were looking for any possible lead,” he said.

After leaving Or HaOlam, the group began meeting on Saturday afternoons, first at Clayman’s house and most recently at an apartment in Westport that Roeder shared with another man.

The man asked not to be identified because he fears losing his job, saying he already had lost a new roommate who discovered the man’s ties to Roeder.

The man said the study group was suspended after Roeder’s arrest.

He said he last saw Roeder the day before Tiller was killed. Roeder told him that he was going to visit his family in Topeka and didn’t come home that night. The next day, he said, the FBI knocked on his door at 4:15 p.m. and started asking questions.

Agents took his home computer and laptop and also Roeder’s computer, he said, along with some Hebrew teaching tapes. He said he’s met with FBI agents five times since Tiller’s death.

Tim Parks, who was Roeder’s roommate for five years before Roeder lived with Clayman, said he attended some of the study group’s meetings. He said, however, that “I disagreed with a lot of that stuff.” Some of the beliefs, he said, were “kind of off the wall.”

“To me, it’s PFA theology,” he said. “Plucked from air.”

Parks said he isn’t convinced that Roeder killed Tiller.

“A bunch of us think he is being framed,” said Parks, who also has been interviewed by the FBI. “To me, the entire judicial system is suspect.”

Clayman said he met Roeder about two years ago while attending a different study group. He said Roeder lived with him for 11 months but moved out April 1 because he’d lost his job and wasn’t paying his rent.

Clayman said Roeder took the abortion issue to the extreme.

“Scott believed that the Bible was literal, the word of God,” he said. “Where he went astray was he had this crazy, fanatic doctrine that you could somehow justify killing somebody just because they were an abortion doctor.”

Clayman said Roeder talked often about his belief that killing an abortion doctor was an act of justifiable homicide.

“When he brought up that in theory — but he never did threaten anybody when I was around — I said, ‘How can you repay evil with evil?’ ” he said.

Clayman said investigators won’t find any conspiracy behind Tiller’s killing, especially among the members of the study group.

“A Bible study is studying the Bible,” he said. “We’d read from the Bible and say, ‘What do you think about that?’ Then we’d discuss it. We didn’t sit around and have sacrifices in the backyard.”

As for Roeder, Clayman said, “He’s going to be tried, and he’s going to try and do a dog-and-pony show in front of the media. He wants to tell the whole world. He’s a martyr, see? That’s what he wanted

to be.”

September 20, 2009

Justifiable Homicide Defense Considered for Roeder – KWCH – Kansas News and Weather - .mht



Justifiable Homicide Defense Considered for Roeder

Scott Roeder

WICHITA (AP) - The suspect in the killing of abortion provider George Tiller is in talks with a prominent attorney who represents anti-abortion protesters and has long advocated justifiable homicide as a legal defense in such cases.

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October 4, 2009

Deadline set for Roeder case motions

BY RON SYLVESTER

The Wichita Eagle

As early as next month, the public could begin getting a sense of how the murder trial of Scott Roeder will proceed next year.

A Sedgwick County district judge set deadlines last week for legal briefs, motions and hearing dates leading up to the trial Jan. 11 of the man accused of shooting Wichita abortion provider George Tiller.

Roeder, 51, has pleaded not guilty to first-degree premeditated murder.

Judge Warren Wilbert gave the defense and prosecution until Nov. 13 to file motions over legal issues that need to be decided before trial.

Each side will have a week to respond.

Pretrial motions can include such things as requests to suppress evidence from the jury, or challenges to police investigative techniques.

If further arguments or evidence are needed, Wilbert set aside Dec. 9-10 for pre-trial court hearings.

The dates were set at an informal meeting Thursday in the judge's chambers.

Roeder, 51, remains in jail in lieu of \$20 million bond while awaiting trial.

Witnesses at a preliminary hearing in July identified Roeder as the man who walked up to Tiller in the lobby of his church and shot him on May 31.

During his time in jail, Roeder has received visits and communications from anti-abortion activists and supporters.

Earlier this week, the Planned Parenthood Foundation posthumously awarded Tiller its Medal of Honor for "outstanding individual contribution to sexual and reproductive health."

Reach Ron Sylvester at 316-268-6514 or rsylvester@wichitaeagle.com.

October 10, 2009

NYT Why abortion foes turned to streets – The New York Times- [msnbc_com.mht](http://msnbc.com)

Abortion foes tell of their journey to the streets

Roadside protesters' personal stories reveal complicated motivations



Video



[Anti-abortion protester killed](#)

Sept. 11: Rachel Maddow reports on the shooting death of an anti-abortion protester.

The Rachel Maddow Show

More from NYTimes.com

[News Analysis: For Presidency in Search of Success, Nobel Adds a Twist](#)
[Abortion Foes Tell of Their Journey to the Streets](#)

[Congressional Memo: As Republicans Predict a 2010 Surge, Democrats Dig In](#)

[Jobs Wanted, Any Jobs at All](#)

[Militants Attack Pakistan's Army Headquarters](#)

External links



Video



[Oklahoma threatens women with shame, public exposure](#)

Oct. 8: Next month, a new law in Oklahoma requires doctors to obtain detailed, personal information from any woman who gets an abortion for the purposes of posting that information on the Internet. Rachel Maddow talks

about this new
intrusive law with
Air America's
Megan Carpentier.

The Rachel
Maddow Show

By Damien Cave

The New York Times

updated 6:58 a.m. CT, Sat., Oct . 10, 2009

OWOSSO, Mich. - Action means many things to abortion opponents. Lobbyists and fund-raisers fight for the cause in marble hallways; volunteers at crisis pregnancy centers try to dissuade the pregnant on cozy sofas.

Then there are the protesters like [James Pouillon, who was shot dead here last month](#) while holding an anti-abortion sign outside a high school. A martyr to some, an irritant to others, Mr. Pouillon in death has become a blessing of sorts for the loosely acquainted activists who knew him as a friend: proof that abortion doctors are not the only ones under duress, proof that protests matter, and a spark for more action.

“Jim suffered the persecution for us,” said Dan Brewer, who recalls swearing at Mr. Pouillon during one of his one-man protests in the '90s, only to join him later after becoming a born-again Christian. “Now we just have to go out and do it.”

[Story continues below ↓](#)

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A national tribute is already planned. Anti-abortion groups are calling on protesters to stand outside schools with signs that depict abortion on Nov. 24 in 40 to 50 cities nationwide.

Some who plan to take part, like Chet Gallagher, a former Las Vegas police officer, have been answering such calls for decades; he first got involved in the '80s, when every month seemed to bring a new “rescue,” another chance to lock arms with fellow Christians and block access to an abortion

clinic.

Others have arrived at the cause after experiencing personal traumas — in the case of Deborah Anderson, an abusive childhood and then an unwanted pregnancy — while still more fell into it through personal connections.

Together, these street activists make up an assertive minority of a few thousand people within the larger anti-abortion movement. Neither the best financed nor largest element in the mix, they are nonetheless the only face of anti-abortion that many Americans see. Indeed, persistent provocation is their defining attribute: day after day on street corners from California to Massachusetts, they stand like town criers, calling to women walking into abortion clinics, or waving graphic signs as disturbing as they are impossible to ignore.

Their ranks are more infused with emotion — they would say commitment — than top-down discipline.

Ziad Munson, a sociologist at Lehigh University who has interviewed hundreds of abortion opponents, said street protesters rarely moved into other areas of the movement and tended to work alone or in smaller groups. Even in cases when they form large and influential organizations, it is sometimes difficult to get beyond the culture of passionate dispute.

To critics, like Nancy Keenan, president of Nara Pro-Choice America, these protesters look like bullies bent on harassment. Among those who share their views but not their tactics, street activists have been marginalized as attention hogs who prefer to attract outrage rather than inspiring compassion.

More U.S. news from NYTimes.com In the case of Mr. Pouillon, that outrage may have led to death. The police said the man charged in the [Debate Follows Bills to Remove](#) killing, Harlan J. Drake, a local truck driver, was [Clotheslines Bans](#) bothered by the signs Mr. Pouillon showed children as [Lobbyists Fight Last Big Plans to Cut](#) they came to school. The day he was shot, Mr. Pouillon [Health Care Costs](#) was showing a mangled fetus, part of an almost daily [21st Century Babies: The Gift of Life,](#) effort to put abortion into the minds of his neighbors. [and Its Price](#) “It’s all about the eyes,” he used to say to fellow [Top Judge Calls Calif. Government](#) demonstrators. “It’s all about the eyes.” [‘Dysfunctional’](#)

[Questions About ‘Sweat Lodge’ Rite](#) But as the personal stories of Mr. Gallagher, Mr. [Where 2 Died](#) Brewer and Ms. Anderson suggest, the motivations of [External links](#) many protesters are more complicated. They see themselves as righteous curbside critics, prophets warning the world with what they describe as the horrific truth no one wants to see. They have endured insults, threats and even estrangement from their families because they have found what nearly every activist craves: conviction, camaraderie and conflict.

The Police Officer: From Civil Law to Biblical
Chet Gallagher did not plan to join the blockade at the abortion clinic in Atlanta when he traveled there 21 years ago. But when he saw the passion of so many Christians outside the clinic, he said, he could not resist: he ended up in jail for 11 days, with James Pouillon and 700 others.

Three months later, Operation Rescue, the umbrella anti-abortion group, arrived in Las Vegas, where Mr. Gallagher was a police officer. He refused to arrest protesters, and when his sergeant suspended him, he joined the “rescuers.”

“I learned something that changed my life,” Mr. Gallagher said. “It wasn’t civil disobedience; it

was biblical obedience.”

Christian fervor nourishes anti-abortion activism like little else. Church groups nationwide regularly ask Mr. Gallagher to speak because he chose his spiritual beliefs over the law. Bible quotations appear on posters and on motor homes that have become traveling billboards, and in conversation they serve as evidentiary support, like statistics.

This is a particularly American brand of faith: confrontational and action oriented. The most cited verses come not from the Gospels detailing the life of Jesus Christ but from the Old Testament prophets. Mr. Gallagher said he was inspired by Jeremiah 7, where the Lord says Israel’s “people, animals, trees, and crops will be consumed by the unquenchable fire of my anger.”

Nancy Keenan, president of Nara Pro-Choice America, said she worried that the emphasis on judgment provides tacit approval for violence, like the recent killing of Dr. George R. Tiller, an abortion provider in Kansas.

 Video



But Mr. Gallagher, 60, a white-bearded father of six, disagreed. He said Christianity must be emphasized because churches are the only institutions with the power to put abortion clinics out of business. Like Mr. Sept. 11: Harlan James Pouillon, who often protested outside congregations on Drake, 33, was charged Sunday mornings, Mr. Gallagher said far too many Friday with first-degree Christians nodded, but did not act.

murder in the deaths of two men, including an anti-abortion protester who was gunned down outside a Michigan high school. “It really can end,” he said of abortion, “if all the Christians just went out there for seven days in a row to tell the truth peacefully.”

NBC’s John Yang reports. As for the more aggressive tactics he employs, like bringing protests to the neighborhoods where abortion doctors live, he said they were a product of faith, economics and politics.

Nightly News

Faith, because he said he believed abortion doctors deserve to be shamed; economics because that shame might motivate them to do other work; and politics because the era of rescues ended in 1994, after President Bill Clinton signed the Freedom of Access to Clinic Entrances Act.

The law made it a felony to use “force, threat of force or physical obstruction” to prevent someone from providing or receiving reproductive health services. “That required us to use some other strategies,” said Mr. Gallagher, who left the police force shortly after and is now director of operations for Operation Save America in Las Vegas.

Among other things, the clinic law led to the proliferation of large anti-abortion signs with graphic pictures of mutilated fetuses. Mr. Gallagher said he believed that everyone, including children, should see them. “I know I offend a lot of people,” he said. “But I’ve talked to mothers who said, ‘Because you were there with those signs I decided to have that baby.’”

Even in protesters’ families, not everyone agrees with the approach. Mr. Gallagher said his wife divorced him in 1989 after revealing she had three abortions before they met. They remarried in 1991, but Mr. Gallagher said some of their six children had gone years without speaking to him.

“We know this is a real war and we have to fight it,” he said. “Some of our families suffered as a result. I wish I could say it was different but it’s not.”

October 11, 2009

Letter criticizes church for allowing George Tiller to serve as an usher – Kansas City Star.mht

October 18, 2009

Scott Roeder Friend Charges Judge will block Right to Trial by Jury

Scott Roeder Friend Charges Judge will block Right to Trial by Jury

Video series alleges what Roeder did is more legal than what his judge is about to do

(The quotes from two law professors in this press release are actual quotes from news articles excerpted below, written about me. Contact: Dave Leach, 137 E. Leach, Des Moines IA 50315, cell 515/480-3398, AcknowledgeHimN2010@Saltshaker.US.)

Scott Roeder shot and killed late term abortionist Dr. George Tiller May 31, but Dave Leach believes the “only seriously contested issue of the trial” will concern what Tiller did that Roeder stopped, not what Roeder did.

Roeder’s judge is unlikely to ever allow Roeder’s jury to learn about that issue, Leach says. At least two law professors agree.

Leach asks, in a video series released today, [October 21], “can Americans call it a trial by jury, where the judge decides, all by himself, that your defense is no good, and won’t let you tell the jury about it? Where the judge just lets the jury judge what everyone agrees to anyway? Wouldn’t you call it ‘busy work’, to let the jury ‘decide’ facts upon which both parties already agree?” The issue is called the Necessity Defense. It is the “fact question of whether abortion is in fact unthinkably harmful enough to justify being prevented”, Leach says.

The last time a Kansas judge allowed the Necessity Defense, in 1992, he acquitted Elizabeth Tilson of blocking an abortion door. But the Kansas Supreme Court overturned the acquittal in 1993, ruling that it was a mistake to allow Tilson’s defense. (City of Wichita v. Tilson, 855 P.2d 911 (1993).”

Consistent with that, when Shelley Shannon shot Tiller in each arm in 1993, the Wichita judge in 1994 repeatedly shut her down when she tried to testify about abortions the doctor performed, according to her Wichita defense attorney, E. Jay Greeno.

The Tilson decision stated that “whether an affirmative defense exists is a question of law subject to unlimited review.” But when a judge rules that the only trial issue, and the defendant’s only defense, is a “question of law”, which the jury must never learn about, “doesn’t this violate the 6th Amendment to the Constitution”, asks Leach, “which says ‘In all criminal prosecutions, the accused shall enjoy the right to a...public trial, by an impartial jury’? Doesn’t it go without saying that the 6th Amendment demands that the jury have meaningful participation in deciding the sole trial issue, especially when it is the defendant’s sole defense?”

November 13 is the court's deadline for the prosecutor to file an expected "In Limine" motion to suppress Roeder's defense from the knowledge of the jury. A hearing on pretrial motions is scheduled for a month later. Roeder's trial is scheduled to begin January 11.

Leach, who is listed in Marquis' "Who's Who in America" and in Wikipedia, makes his claims through a video series posted at several online video sites, and at <http://www.saltshaker.us/> where a transcript of the videos is also posted. The videos present a fictitious news special starring 8-year-old Lexi and 10-year-old Vanessa, doubling as news reporters and later as lawyers, interviewing and debating Leach who plays himself, a law professor, and an abortionist's personal lawyer. University of Iowa law professor Margaret Raymond agrees the "likelihood...is quite small" that Roeder will be allowed to present his defense to the jury.

"Typically, you don't get to use that defense in murder cases," she said. "The question would be whether the necessity defense would permit somebody to claim that something that is legally protected created a necessity to justify homicide."

Leach agrees that is the question, but says the only reasonable answer is that when something is in fact unthinkably harmful, in the eyes of "reasonable people" represented by the jury, it cannot be a crime to prevent it, regardless of its legal status. Leach says this is the essence of the Necessity Defense, an ancient common law defense which sets aside the letter of any law which otherwise would punish life saving heroes. He quotes Black's Law Dictionary which says "Necessity is not restrained by law; since what otherwise is not lawful necessity makes lawful....Necessity...derides the fetters of laws."

The Tilson ruling asserts otherwise: "...one thing is clear: The harm or evil which a defendant, who asserts the necessity defense, seeks to prevent must be a legal harm or evil as opposed to a moral or ethical belief of the individual defendant."

Leach responds, "The Tilson Court talks as if the only alternative to its ruling against Necessity would be to let the 'belief of the individual defendant' decide trials. No one is suggesting Roeder should go free because he believes he should! We support the 6th Amendment's demand that the jury justify what they think 'reasonable persons' would justify, if they knew the evidence available to Roeder.

"As for the Tilson Court's statement that Necessity justifies only 'unlawful harms', that is how Kansas 21-3211(a) defines the 'defense of others' defense. Clarifying one aspect of the Common Law in a statute does not repeal other details of the Common Law which are not so clarified. In fact, the Tilson ruling itself said 'Whether the necessity defense should be adopted or recognized in Kansas may best be left for another day.'"

Tilson said "...evidence of when life begins is irrelevant and should not have been admitted." But Leach says Roe v. Wade considered such evidence so relevant that should it ever be accepted by triers of fact, Roe itself should "collapse". In other words, Leach says, Roe itself affirms the essence of the Necessity Defense, that no law or ruling should be enforced in any situation where a jury finds that its legalistic enforcement would cause unthinkable harm.

Leach says the Rule of Law would collapse if ultralegalism had no restraint even in

situations where laws unintentionally enable unthinkable harm. “Jesus faced charges for doing great good, in violation of the letter of the law, in the view of the Supreme Court of the time. Jesus asked ‘Is it lawful to do good?’ [Mark 3:4](#). His prosecutors had to leave him alone, because their Rule of Law could not survive their admission that it was the intent of any of their laws to criminalize good.

But whatever one thinks of the merits of the Necessity Defense, Leach says, “the fact is that where the judge decides its merits before the trial even begins, and doesn’t allow the jury to even know it exists, when it is the defendant’s only defense and the sole contested issue of a trial, only by a legal fiction can the judge say he has given Roeder his constitutional right to a trial by jury.”

Richard Levy, a professor at the University of Kansas School of Law, agrees the jury is unlikely to hear Roeder’s defense, even if it is his only defense. “Any claim that killing an abortion provider is justifiable likely would fail,” he said. “The question is whether a judge would allow jurors to consider that defense.”

Levy sees two problems with the defense in addition to the problem stated by Raymond that abortion is lawful: “The law requires that the threat be imminent, [and] the force reasonable in response....” Leach says the jury, but not the judge according to *Roe v. Wade*, is qualified to judge whether killing one abortionist is “force reasonable in response” to the 60,000 souls which that abortionist boasted of already killing, and the thousands more he would have killed. *Roe* said “the judiciary...is not in a position to know” what must be known to determine the harmfulness of abortion.

Leach responds to the imminence requirement from his video: “‘Imminence’ is so vaguely defined in case law that if you broke down your neighbor’s door to save him from a fire, some prosecutor would say you should have waited until the fire had actually started burning his hair. You should at least have waited until the fire was in the room! You should have waited until unthinkable harm was at least that ‘imminent’.

“But if anyone cares about saving lives, then ‘imminence’ needs to be defined in a way that permits lives to be saved when there is opportunity to save lives. Requiring Scott Roeder to wait until the next day when the abortions were resuming only requires Scott Roeder to wait to act until the window of opportunity for acting has closed, because Tiller’s office was a fortress. Imminence therefore should be defined as the nearness in time to the closing of the window of opportunity to prevent serious harm. Scott Roeder’s window of opportunity was extremely brief. He saved lives the only time he could.”

“But even if these legal objections were sound”, Leach asks, “Americans need to ask, when a judge calls the sole contested issue of the trial a ‘question of law’ which the jury is not qualified to even know about, does a citizen still have a Constitutional Right to Trial By Jury in America?”

Leach and others are planning future public awareness projects, including a 3rd Edition of the “Defensive Action Statement”, and an auction to raise funds for Scott Roeder’s defense.

Supporting Information

Links to 4 of the videos in the 5 part series:

<http://www.Saltshaker.US/Scott-Roeder-Resources/TrialByJuryPt1.wmv>

<http://www.Saltshaker.US/Scott-Roeder-Resources/TrialByJuryPt2.wmv>

<http://www.Saltshaker.US/Scott-Roeder-Resources/TrialByJuryPt4.wmv>

<http://www.Saltshaker.US/Scott-Roeder-Resources/TrialByJuryPt5.wmv>

These videos are not yet available on the internet; that is, no internet page links to them. You can't find them without a link in my email. On October 21, God willing, I will link to them on <http://www.Saltshaker.US/RoederPage.htm>, where the transcript for all 5 parts is already posted, and where I will list several internet video sites such as Youtube where they will also be listed.

The Necessity Defense, defined in Black's Law Dictionary, 4th Edition (to look them up, look up the phrase in Latin):

“Necessity is not restrained by law; since what otherwise is not lawful necessity makes lawful.

Necessitas sub lege non continetur, quia quod alias non est licitum necessitas facit licitum. 2 Inst. 326.”

“Necessity overrules the law. Necessitas vincit legem. Hob. 144; Cooley, Const. Lim. 4th Ed. 747.”

“Necessity overcomes law; it derides the fetters of laws. Necessitas vincit legem; legum vincula irridet. Hob. 144.

Quotes from Law Professors Margaret Raymond & Richard Levy, and E. Jay Greeno Des Moines man hopes to free alleged Tiller assassin with ‘necessity defense’

By Jason Hancock 8/14/09 1:18 PM

(Reprinted on RHRealityCheck.org (<http://www.rhrealitycheck.org>) Des Moines Anti-Choicer Hopes to Free Alleged Tiller Assassin, By Jason Hancock, Created Aug 19 2009 - 7:00am)

....**Margaret Raymond**, a law professor at the University of Iowa who previously practiced as a criminal defense attorney, has not read Leach's legal brief but said the likelihood that a judge will allow a jury to hear an argument of “necessity defense” in a case like this is quite small.

“Typically, you don't get to use that defense in murder cases,” she said. “The problem with a necessity defense in this case is that it is hard to say that something that the law permits is an act that must be prohibited at the cost of death.”

Juries are only permitted to hear claims that fit within legal parameters. If the law permits the claim, the facts surrounding the claim would go to the jury to decide.

“The jury doesn't get to hear a claim that isn't legally plausible,” Raymond said. “If there is no legal basis for the claim, then it cannot go to the jury. Juries are not supposed to decide things outside of the law. They get to decide fact within the law.”

The necessity defense, in general terms, says that it is OK to commit a crime in order to avoid a much greater harm, she said. For instance, a person with a suspended drivers license could drive a person to the hospital if it meant saving their life.

“The question would be whether the necessity defense would permit somebody to claim that something that is legally protected created a necessity to justify homicide,” Raymond said, adding: “My guess is that this is not going to be a strong defense. The irony is that the first thing he is asking him to do in order to use a necessity defense is admit he committed the crime. That is not necessarily something a criminal defendant wants some third party going around announcing.”

Justifiable homicide defense eyed in Roeder's case ROXANA HEGEMAN, Associated Press, | Posted: Saturday, August 29, 2009 2:15 pm

Richard Levy, a professor at the University of Kansas School of Law, said such defenses can work, but not necessarily in the context of abortion. The law requires that the threat be imminent, the force reasonable in response and the activity involved unlawful.

Any claim that killing an abortion provider is justifiable likely would fail, he said.

"In particular in the circumstances of the murder of Dr. Tiller there is an imminence problem, there is no imminent threat and, more fundamentally, the activities he was engaged in were legal," Levy said.

The question is whether a judge would allow jurors to consider that defense.

Wichita attorney E. Jay Greeno, who defended Rachelle "Shelley" Shannon for shooting Tiller in both arms in 1993, said the judge repeatedly shut her down when she tried to testify about abortions the doctor performed.

Procedurally, the judge in Roeder's case would likely hold a pretrial hearing on whether Roeder's attorneys could raise that defense at trial.

"There might be some hope that there would be jury nullification _ the jury would vote to acquit _ if there were right-to-life advocates within the jury who accepted the argument that an unborn child is a human being and that abortion is murder and therefore the murder of a physician who performs abortion is also justifiable," Levy said.

Text of description of my videos at <http://www.Saltshaker.US/RoederPage.htm>

Script for an October 10, 2009 video press release on video sites such as Youtube and on its home page, <http://www.Saltshaker.US/Scott-Roeder-Resources.htm>. It is a drama with two girls, 8-year-old Lexi and 10-year-old Vanessa, playing the roles of lawyers and news reporters, interviewing and debating myself. (Dave Leach.) I play myself, a law professor, and an abortionist's personal lawyer. This script explains with humor, and in language anyone can understand, how our project is not to urge anyone to do what Scott Roeder had to do, but to endorse giving a Christian his constitutional right to a trial by jury. It explains what courts have been doing all these years to keep abortion "legal" all these years: deny 100,000 Christians their Constitutional right to a Trial (of the only seriously contested issue of their cases) By Jury. "Nothing can be more illegal than what courts have done all these years to keep abortion 'legal'." It explains how courts have maintained an appearance of a right to trial by jury, and how my proposed legal strategy will strip courts of that pretense, pressuring Scott's judge, and all

future judges, to finally allow the jury to be told what the trial is all about – and how that will end abortion.) Links to downloadable video files, the same as posted on Youtube: (Not yet posted. Anticipated release date: October 10, 2009 AD)

Case citations:

State v. Branson, Sept 21, 2007, 96422. “Whether an affirmative defense exists is a question of law subject to unlimited review. See City of Wichita v. Tilson, 253 Kan. 285, 291, 855 P.2d 911, cert. denied 510 U.S. 976 (1993).”

City of Wichita v. Tilson, 855 P.2d 911 (Kan.), cert. denied, 510 U.S. 976, 114 S. Ct. 468, 126 L. Ed. 2d 420 (1993) Regardless of what name is attached to the defense (and for the sake of simplicity we will refer to it as the necessity defense) one thing is clear: The harm or evil which a defendant, who asserts the necessity defense, seeks to prevent **MUST BE A LEGAL HARM** or evil **AS OPPOSED TO A MORAL OR ETHICAL BELIEF** of the individual defendant.

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Fri, Oct. 23, 2009

'Law & Order' bases episode on George Tiller's shooting

BY DION LEFLER

The Wichita Eagle

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A television drama loosely based on the slaying of abortion provider George Tiller is rubbing nerves on both sides of the abortion divide in Wichita.

Today's episode of the NBC show "Law & Order" is plotted around the shooting of a late-term abortion provider in a church — paralleling circumstances in the real-life Tiller case.

The drama brought some rare agreement between Cheryl Sullenger, senior policy adviser to the anti-abortion group Operation Rescue, and Diane Wahto, a friend of Tiller and longtime advocate for abortion rights.

Both said they think the television drama may be coming too soon after the slaying of Tiller, who was shot to death May 31 while serving as an usher at Reformation Lutheran Church in Wichita.

A January murder trial has been scheduled for the man charged in the case, Scott Roeder, 51, a Kansas City airport shuttle driver and abortion opponent.

According to a preview of the drama, which will air at 7 p.m. on Kansas NBC affiliates, the plot centers on the case of a "Dr. Walter Benning," a late-term abortion provider who is "shot once in the back of the head during opening prayers."

The preview indicates that the actors will be grappling with differing positions on abortion through the dramatized investigation and prosecution.

"Oh my gosh," said Sullenger, when she learned of the plot of the episode.

She said she doesn't watch the show but plans to tune in tonight to see how the issues are handled.

"On first blush hearing about it, it seems tasteless — and a little grim," she said. "It gives me the creeps just hearing about it."

Operation Rescue was drawn into the real-life Tiller story because Roeder had been in contact with the group to obtain information on Tiller-related court hearings before the slaying.

Sullenger and Operation Rescue president Troy Newman have said Roeder made them nervous and was not a member of their group.

Sullenger said she doesn't see a point to basing an entertainment program on the Tiller slaying and "it seems to me they're trying to sensationalize it."

Wahto is a regular viewer of "Law & Order" and knew of the plot of tonight's show from seeing a promo on NBC.

She said she understands that the program's writers often draw ideas from news headlines and that they generally handle volatile issues tastefully.

But feelings over the Tiller shooting are "still pretty raw as far as the family is concerned" — and throughout Wichita, she said.

"It's really hard for people in the community who knew him and know his family," she said. "At this point, I wish they (the show's producers) had waited."

Reach Dion Lefler at 316-268-6527.

Friday, Oct 25, 2009 Posted on Sat, Oct. 24, 2009

Online auction to raise funds in Scott Roeder case

By
The Kansas City Star

JUDY

L.

THOMAS

An Army of God manual. A prison cookbook compiled by a woman doing time for abortion clinic bombings and arsons. An autographed bullhorn.

These are among the items that abortion foes plan to auction on eBay and other Web sites in a fundraiser for Scott Roeder, the Kansas City man charged with killing Wichita abortion doctor George

Tiller.

“This is unique,” said Regina Dinwiddie, a Kansas City anti-abortion activist who will sign the bullhorn. “Nobody’s ever done this before. The goal is that everybody makes money for Scott Roeder’s defense.”

One abortion-rights leader called the auction deplorable and said it could lead to more violence.

“The network of extremists promoting and defending the murder of doctors is contributing to escalating threats against clinics and doctors across the country,” said Kathy Spillar, executive vice president of the Feminist Majority Foundation.

Roeder, charged with first-degree murder in the May 31 shooting of Tiller, is scheduled to go to trial in January.

Dave Leach, an Iowa abortion opponent who is organizing the auction effort, said he was aiming for a Nov. 1 launch.

An eBay official said the auction was unusual.

“A lot of times people will raise money for charities and that type of thing,” said spokeswoman Alina Piacentino. “But rarely is it a controversial kind.”

The company would not reveal whether eBay would permit the auction to launch.

“eBay does not allow listings that promote or glorify violence, hate, racial or religious intolerance, or items that encourage, promote, facilitate or instruct others to engage in illegal activity,” the company said in a statement.

Among items that will go on the auction block, Dinwiddie said, are three drawings she received in the mail Wednesday from Roeder. Two drawings were done by another inmate at his direction, but Roeder autographed all of them.

“They’re wonderful pencil art drawings,” she said. “They were done in jail.”

One is a sketch of David and Goliath.

“It has David with a slingshot in one hand and the head of Goliath in his other hand and the name ‘Tiller’ on Goliath’s forehead,” she said. “On the corpse on the ground, it says ‘child-murdering industry.’ ”

Leach said he was continuing to collect items.

His own donation: An Army of God manual, an underground publication for anti-abortion militants that describes dozens of ways to shut down clinics, including bombing. Leach published a reprint of the manual in 1996 in his magazine, Prayer and Action News.

“I plan to cover up the offending eight pages of bomb recipes and instead insert a note saying that in order to avoid legal problems, we advise our bomb-loving friends to seek their bomb recipes in a U.S. Army Manual, which is approved by the Justice Department,” Leach said. “I will also enclose my April 1996 issue, which contains bomb-making excerpts from a declassified U.S. Army Manual widely available in Army surplus stores.”

Another item to be auctioned, Leach said, is a collection of recipes compiled in prison by Shelley Shannon, the Oregon woman who shot and wounded Tiller in 1993 and was later convicted in a series of abortion clinic arsons and bombings.

“When they have birthdays or something in prison, they don’t have access to bake a cake,” said Leach, who recently paid a visit to Shannon in a Minnesota prison. “So they’ve figured out how to

make quite a number of confectionary things.”

One recipe is for prison cheesecake, he said.

“It starts of with four little plastic tubs of pudding, a container of powdered creamer, a packet of powdered lemonade, and a little tub of cream cheese, like what you put on bagels, and stir it all together,” he said. “Shelley said it’s really pretty good.”

Leach said Shannon also is donating “her awesome handwritten book of commentary on the news and her part in it over the past few years, including her original cartoons.”

Dinwiddie, who made headlines in 1995 when a federal judge ordered her to stop using a bullhorn within 500 feet of abortion clinics, will contribute several items.

Dinwiddie is a friend of Roeder. She also was a friend of Paul Hill, who shot an abortion doctor and his escort to death in Pensacola, Fla., in 1994. Hill received a death sentence for the killings and was executed in 2003.

“Regina is digging out her old VHS tapes of Paul Hill in her home praying before Shelley’s trial,” Leach said. “She wants to start that one off at \$500.”

The bullhorn autographed by Dinwiddie is similar to those she used when protesting outside abortion clinics.

“My original ones have all been confiscated by police,” Dinwiddie said, “but I’ll have a signed one, since I was the only person in the whole world that’s ever had an injunction against a bullhorn.”

Michael Bray, an Ohio activist who spent four years in prison for the firebombings of abortion-related facilities on the East Coast in the 1980s, is donating an autographed copy of his book, “A Time to Kill.” The book is described as “an ethical treatise on the use of force in defense of the child in the womb.”

Leach said the auction was intended to raise money for the defense of Roeder, who was being represented by public defenders.

Leach and others would like to help Roeder hire a lawyer to present what is known as a necessity defense. That strategy would argue that Tiller was killed to prevent a greater harm — killing babies. Other anti-abortion activists charged with violent crimes have tried to use such a defense but with little success.

“If we are not successful in finding a lawyer we can afford, we will distribute the money to prisoners who have sacrificed their years for the cause of saving lives,” Leach said.

Roeder said in a phone interview that he was excited about the auction.

“I think it’s great,” he said. “I appreciate all of the efforts going into that. I’m all for anything that might bring some donations in.”

But he declined to comment about whether he would use such a defense.

For their part, abortion-rights advocates said the auction was appalling.

“The idea of an eBay auction featuring a video of Paul Hill, who murdered a doctor and volunteer clinic escort; the work of Shelley Shannon, who attempted to murder Dr. Tiller; and the writings of Michael Bray and Dave Leach, individuals who promote the killing of doctors, is reprehensible,” Spillar said.

In another effort to support Roeder, Leach has produced a series of videos that he released on several Web sites, including YouTube. In the videos, Leach suggests that Roeder may not get a real trial

by jury because the judge probably would refuse to allow jurors to hear why Roeder “had to do what he did.”

In his videos, Leach is “interviewed” by two girls, ages 8 and 10, who play the role of reporters on “Pee Wee TV.”

October 26, 2009

KSN-TV

WICHITA, Kansas - Dave Leach is no stranger to the abortion movement. In fact, the Iowa man has been battling abortion providers for decades. His goal now is to help the man accused of killing Wichita abortion provider Dr. George Tiller.

"The only defense that Scott has is also the fact issue," Leach said.

Leach believes that fact issue is a necessity defense -- a defense that claims Roeder's alleged killing of Dr. Tiller was to prevent a greater harm.

"Americans have been told that abortion is legal, but they haven't been told that in abortion prevention trials the only contested issue in the case," Leach said.

Leach believes if the necessity defense is successful, it will help end abortions across the country.

So to help defend Roeder, Leach wants to hire a private attorney who will push the unique defense.

Leach and other abortion opponents are organizing an online auction on Ebay. Set to go up on November 1st, the auction will feature items like an "Army of God Manual" that describes dozens of ways to shut down a clinic, including bombings. The auction will also include a cookbook written by Shelly Shannon from prison. Shannon was convicted of shooting Tiller back in 1993.

For his part, Scott Roeder tells the *Kansas City Star*, "I think it's great. I appreciate all efforts going into that. I'm all for anything that might bring some donations in."

For Leach, Roeder's defense is all for the greater good and ending a practice he spent a good portion of his life trying to stop.

"Abortionists will be unemployed but safe," Leach said.

The online auction is being denounced by the Feminist Majority Foundation, which claims the auction will cause more violence for abortion providers.

Ebay has not said if it will allow the items to go up for auction.

Jury selection in the trial of Scott Roeder is set for January.

October 29, 2009

Oct. 29, 2009

Widow Of NY Abortion Provider Praises Tougher Law

Widow Of Slain Abortion Provider Among Those Praising NY's Tougher State Laws

(AP) BUFFALO, N.Y. (AP) - The widow of a doctor who was shot to death in his New York home in 1998 by an abortion protester said Thursday the new state law setting tougher penalties for people who attack abortion providers or their employees and volunteers will reduce such incidents.

"It's been a long 11 years and there really hasn't been much progress until now," said Lynne Slepian, the widow of Dr. Barnett Slepian.

Slepian was killed when a sniper's bullet fired from outside his suburban Buffalo, N.Y., home struck him while he was in his kitchen. Anti-abortion activist James Kopp is serving life in prison for the slaying.

"I'm confident that with greater penalties for violent offenders and greater attention to this issue, New York state's reproductive health care community will suffer fewer and fewer incidents like the one that took my husband away from our family and the patients in this community," Lynne Slepian told reporters during a news conference.

The law signed Wednesday by Gov. David Paterson for the first time extends the same protections to clinic volunteers.

"New York state can now boast the strongest laws in the nation protecting the safety of reproductive health care workers," the law's sponsor, Assemblyman Sam Hoyt, a Buffalo Democrat, said at the news conference.

The shooting death of Dr. George Tiller in his Wichita, Kan., church May 31 prompted Hoyt to draft the legislation. Scott Roeder of Kansas City, Mo., has pleaded not guilty to first-degree murder in that case.

The law makes causing physical injury to someone obtaining or providing abortion services a new class E felony, subject to a one- to seven-year prison sentence. Causing physical injury is typically a misdemeanor. The law also increases the potential penalty for causing serious physical injury from one to seven years to up to 15 years in prison. Repeat offenders can face even stiffer penalties.

Previous statutes did not specifically cover volunteers who may be hurt while helping others obtain services, Hoyt said.

Planned Parenthood volunteer Lynn Dearmyer said she expects that provision to make people less reluctant to volunteer.

"It makes me feel safer," said Dearmyer, who regularly hears the shouts of abortion protesters at the clinic and public events.

Protesters "don't always come across as hostile, at least toward us, but you're always aware because you don't know these people and you don't know what they're capable of," she said. "Some of these people are extremists and can go that far."

Hoyt stressed that the law does not interfere with the free speech rights of peaceful demonstrators.

"It's purpose is to penalize criminal violent conduct that causes injury to health care providers and patients," he said.

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October 30, 2009

The Associated Press State & Local Wire October 30, 2009 Friday 12:37 AM GMT

Defense seeks order on anti-abortion juror strikes

BYLINE: By **ROXANA HEGEMAN**, Associated Press Writer **SECTION:** STATE AND REGIONAL **LENGTH:** 671 words **DATELINE:** WICHITA Kan.

Lawyers for the man accused of killing of abortion provider George Tiller have asked a judge for an order prohibiting prosecutors from discriminating against potential jurors based on their religious or anti-abortion beliefs.

The court filing, made public Thursday, offered the first glimpse of the legal strategy being developed by **Scott Roeder's** court-appointed defense team. Sedgwick County District Judge Warren Wilbert scheduled a hearing on the defense motion for Dec. 9.

Roeder is accused of shooting Tiller on May 31 while the doctor was ushering for Sunday morning services at his Wichita church. He is scheduled for trial Jan. 11 on charges of first-degree murder and aggravated assault.

"The abortion issue is so contentious, that by eliminating pro-life jury panelists impartiality is compromised," attorney Mark Rudy wrote. "It is the contemplation of a heated deliberation, by jurors of all views, including those who are pro-life, that will insure impartial jurors."

Prosecutors will respond to the motion at the December hearing, said Georgia Cole, spokeswoman for the Sedgwick County district attorney's office.

In his motion, Rudy argued that preemptory strikes during jury selection based on a person's beliefs or actions against abortion violate the First Amendment because they discriminate against a religious point of view.

Rudy also argued excluding anti-abortion jurors would violate the Constitution's equal protection clause, deprive Roeder of due process and impede the selection of an impartial jury.

In a phone call Thursday from the Sedgwick County jail, Roeder told The Associated Press he is "very satisfied" with his public defenders, pleased they filed motion and thought it was well thought out.

"It seems like a plausible move ... just something that hopefully would not bar anyone from being on the jury because of the fact that they are pro-life," he said.

Roeder said he can't afford to hire his own attorney, but there are "other possibilities in the works" to find a lawyer who will take his case for free.

Some supporters are still trying to raise money for his defense after eBay said Tuesday it would

block a planned auction of anti-abortion memorabilia because it violates the company's policy on offensive materials.

Abortion opponents want to hire an attorney who would present a justifiable homicide, or so-called affirmative action defense, arguing the killing was justified to protect unborn children. They hope to appeal Roeder's case to the U.S. Supreme Court as part of an effort to overturn Roe v. Wade, which legalized abortion in the U.S.

Auction organizer Regina Dinwiddie said her attorney wrote eBay a letter telling the company that if it takes down the auction listings it would be discriminating against her and using unfair commercial practices. The online auction company did not respond to telephone and e-mail messages seeking comment Thursday.

Dave Leach, an abortion opponent from Des Moines, Iowa, said Thursday the group is also trying to find other online auctions or buy online auction software in case it can't use eBay.

Roeder said he was very excited to hear the auction might happen after all.

The auction has been controversial because it includes an underground publication for anti-abortion militants that describes ways to shut down clinics and a cookbook compiled by Shelley Shannon, the Oregon woman who shot and wounded Tiller in 1993 and was later convicted in a series of abortion clinic arsons and bombings.

Lee Thompson, the attorney representing Tiller's family, said he also has written eBay, asking it to block the auction.

"It is a reprehensible attempt to glorify violence," Thompson said in a phone interview. "These are the same people whose publications generated the climate of hatred that led to Dr. Tiller's murder in the first place."

He contended proceeds from such a sale should be paid to the Kansas crime victims compensation board as they would come under a state law designed to prevent those charged with crimes from profiting from them.

-----Original Message-----

From: Uncle-Ed [mailto:uncle-ed@iowalink.com]

Sent: Friday, October 30, 2009 10:24 AM

To: Judy *Thomas, KC Star

Subject: auction

From the lap of Dave Leach

Hi!

Regina says "a bunch" of people have written you asking where they can donate. Is it so? (If you answered in an article today, I'll see it soon.)

On Sunday I'm thinking of opening the auction sometime in the afternoon. Would you be interested in the exact time so you can monitor how long it survives? Perhaps 2 pm? to end the following Sunday at 11 pm? Is that convenient for you? Since it really doesn't matter too much to me, whatever is convenient for you will be fine. Midafternoon is convenient for churchgoing Christians; after dinner,

before the evening service.

Our auctioneer pointed out to me that although she might not be known to eBay during the auction, she is not prepared to be a party to a lawsuit. Indeed, besides the normal stress (for most people) of being involved in a lawsuit, her auctioning days would be over during it. And forever if the suit fails. So I'll do it.

Dave				Leach
4110		SW		9th
Des	Moines		IA	50315
515/244-3711w, 480-3398 cell				

November 1, 2009

EBay auction to benefit Roeder defense proceeds

By JUDY L. THOMAS
The Kansas City Star

An eBay auction to raise money for the man charged with killing a Wichita abortion doctor launched Sunday night despite eBay's pledge to nix it.

But organizers posted items that were less contentious than those they'd originally planned to sell, and they used spellings that make searches difficult.

"I really am hopeful that eBay can see that once this is up, that it is not a glorification of violence," said auction organizer Dave Leach, an abortion opponent from Iowa. "If the auction stays up, it will only be because eBay has been shamed into recognizing the nonviolent nature of the items."

eBay officials were not available Sunday for comment. But last week, they said the proposed listings violated the company's policy regarding offensive material.

"We do not oppose all listings that raise money for legal defense funds," said Jack Christin Jr., eBay's associate general counsel for government relations, in a Friday statement. "However, our policy does not permit listings that benefit someone charged with or convicted of a crime."

The auction was planned as a fundraiser for the defense of Scott Roeder, the Kansas City man charged in the May 31 shooting death of late-term abortion provider George Tiller. Roeder's supporters want him to hire an attorney other than his public defenders in order to use a "necessity defense," saying that Tiller's killing was an act of justifiable homicide.

Items organizers said were being donated for the auction include several drawings submitted by Roeder; an Army of God manual that describes dozens of ways to shut down abortion clinics; and a prison cookbook compiled by Shelley Shannon, who shot Tiller in 1993 and is serving time for clinic arsons and bombings.

On Sunday, however, the only items listed were a document of religious instruction written by a convicted clinic bomber and a Bible that belonged to Shannon.

“It has all the pro-life passages highlighted,” Leach said of the Bible.

November 3, 2009

Taiwan News

EBay removes anti-abortion memorabilia from site

By ROXANA HEGEMAN

Associated Press

2009-11-03 07:03 AM

Online auction house eBay has removed items that were posted for sale by anti-abortion activists trying to raise money for defense of a man accused of killing a Kansas abortion provider, the company said Monday.

Supporters of Scott Roeder _ one in Kansas City, Missouri and the other in Des Moines, Iowa _ posted various items late Sunday in separate eBay auctions including an Army of God manual, an underground publication for anti-abortion militants that describes ways to shut down clinics.

After about five hours, eBay removed 10 items, activists said. The final two items were removed by late Monday afternoon.

San Jose, California-based eBay said the anti-abortion memorabilia violated its listing policies.

"Today, eBay removed several listings on our site that violated several of our policies including our offensive materials' policy. This policy prohibits items that promote or glorify hatred, violence, racial, sexual, or religious intolerance, or promote organizations with such views," eBay said in a statement. The company would not say how many or which items it removed.

Roeder is charged with first-degree murder and aggravated assault in the May 31 shooting of Dr. George Tiller at his Wichita church. Anti-abortion activists are trying to raise money for Roeder, who has been appointed public defenders but was considering hiring private lawyers. He has pleaded not guilty to the charges.

Among the last items removed from eBay was a worn Bible once owned by Shelley Shannon, an

Oregon woman who shot and wounded Tiller in 1993 and was later convicted in a series of abortion clinic arsons and bombings. The other was a signed book of religious teachings written by Ohio anti-abortion activist Michael Bray.

Those two items were posted by Iowa activist Dave Leach who said he escaped the initial purge by eBay because he deliberately used misspellings and other devices to make the items difficult to find.

"Because of eBay's promise to take it down, all I wanted to accomplish is to make it so it would at least survive long enough for eBay's lawyers to look at my article and hopefully decide I am not their enemy," Leach said Monday.

In the description of the Bible, which had 13 bidders and a high bid of approximately \$60 before it was taken down, Leach wrote that Shannon had given it to him a decade ago when she was transferred from state to federal prison.

"Our goal is an end to violence (cq) against abortionists, and against babies, through restoring the Constitutional Right to Trial by Jury, even in abortion prevention cases. Proceeds from this auction will be devoted to that end," the listing said.

Roeder's supporters said they want jurors to hear the so-called necessity defense, which claims the killing was necessary to prevent a greater harm like abortion.

"I am not doing this because I enjoy the publicity as it has panned out so far," Leach said after his postings were taken down. "I wish I could talk with people. This whole thing is a censorship. The judge censors the defense from the jury and here is eBay censoring our efforts to try to end this censorship."

Kansas City activist Regina Dinwiddie said the 10 items she posted raised several hundred dollars from at least a dozen bidders before eBay removed them. She vowed Roeder's supporters will continue to try to raise funds for his defense.

"I am very disappointed in eBay," Dinwiddie said. "I thought that was the last bastion of free enterprise in America with no political viewpoint, but I see I was mistaken about that."


She said other removed items included three drawings commissioned by Roeder in jail and signed by him, a prison cookbook written by Shannon, several anti-abortion books and bumper stickers, and an oil painting by Clayton Waagner, the man who sent hundred of anthrax scare letters to abortion providers in 2001.

http://www.etaiwannews.com/etn/news_content.php?id=1097841&lang=eng_news&cate_img=1037.jpg&cate_rss=General

Yahoo Canada

EBay removes anti-abortion items posted to help man accused in US abortion doctor's slaying

By Roxana Hegeman, The Associated Press

 WICHITA, Kan. - Online auction house eBay has removed items that were posted for sale by anti-abortion activists trying to raise money for defence of a man accused of killing a Kansas abortion provider, the company said Monday.

Supporters of Scott Roeder - one in Kansas City, Missouri and the other in Des Moines, Iowa - posted various items late Sunday in separate eBay auctions including an Army of God manual, an underground publication for anti-abortion militants that describes ways to shut down clinics.

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Roeder is charged with first-degree murder and aggravated assault in the May 31 shooting of Dr. George Tiller at his Wichita church. Anti-abortion activists are trying to raise money for Roeder, who has been appointed public defenders but was considering hiring private lawyers. He has pleaded not guilty to the charges.

Among the last items removed from eBay was a worn Bible once owned by Shelley Shannon, an Oregon woman who shot and wounded Tiller in 1993 and was later convicted in a series of abortion clinic arsons and bombings. The other was a signed book of religious teachings written by Ohio anti-abortion activist Michael Bray.

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http://ca.news.yahoo.com/s/capress/091102/world/us_abortion_shooting_auction

Argentina Star

Ebay cuts off anti-abortion auction

Argentina Star
Tuesday 3rd November, 2009

EBay has removed items from its site that were put there by anti-abortion activists trying to raise money for a trial defence.

Supporters of Scott Roeder, who has been accused of murdering abortion provider Dr George Tiller posted the items to be auctioned on Sunday.

The anti-abortion activists are trying to raise money for Roeder, who has not been able to afford private lawyers.

Included in the list of items to be auctioned was a manual for anti-abortion militants on how to shut down clinics.

A worn Bible once owned by Shelley Shannon, an Oregon woman who shot and wounded Dr Tiller in 1993, was also listed.

Other items that were removed included three drawings done by Roeder in jail and signed by him, a prison cookbook written by Shannon, and an oil painting by Clayton Waagner, the man who sent hundred of anthrax scare letters to abortion providers in 2001.

EBay removed 10 items, saying the anti-abortion material violated its listing policies against items that promote or glorify hatred, violence, racial, sexual, or religious intolerance.

Midwest Radio Network Pty Ltd

Suite 202, Level 2

111 Harrington Street

Sydney NSW

Australia 2000

[Contact Argentina Star.com](http://www.argentinastar.com)

<http://www.argentinastar.com/index.php/ct/21/>

November 9, 2009

Posted on Mon, Nov. 09, 2009

Suspect confesses to killing Wichita abortion doctor George Tiller

By JUDY L. THOMAS

The Kansas City Star

Scott Roeder confessed Monday to killing Wichita abortion doctor George Tiller, saying he had no regrets because “preborn children were in imminent danger.”

In a 20-minute phone call from the Sedgwick County Jail, Roeder told The Kansas City Star that he believed shooting Tiller saved lives.

“I’ve already been told that there’s at least four women that have changed their minds and are going to have their babies,” Roeder said. “Even if it was one woman, then who would have a regret for a motive of protecting preborn children? That was the motive.”

Roeder, of Kansas City, is charged with first-degree murder in the May 31 shooting death of Tiller. His trial is scheduled for Jan. 11.

Tiller, one of a handful of doctors in the country who performed late-term abortions, was shot to death while serving as an usher in his Wichita church.

When asked specifically whether he killed Tiller, Roeder replied: “That is correct.”

But Roeder, 51, said that he didn't consider what he did to be murder and that he had no intention of changing his plea to guilty.

"There is a distinction between killing and murdering," he said. "I don't like the accusation of murder whatsoever, because when you protect innocent life, that's not murder."

Lee Thompson, an attorney for the Tiller family, said Roeder's assertion that killing Tiller was justifiable was ludicrous.

"Any pretense that it's justifiable is legally wrong and reflective of the extremism that seems to characterize this act, which is nothing more than an act of premeditated violence," Thompson said.

Georgia Cole, spokeswoman for Sedgwick County District Attorney Nola Foulston, said Roeder's confession would not affect the trial.

"We will continue to pursue our case in court," Cole said.

Roeder said he planned to use a so-called necessity defense at his trial, arguing that he killed Tiller to prevent a greater harm. Other anti-abortion activists charged with violent acts have tried to use such a defense, but with little success.

"It's a stretch," said William Eckhardt, a University of Missouri-Kansas City law professor. "It's just very unlikely that it will be accepted. I guess the best way to say it is, they're freak cases, and they're rarely allowed."

Roeder's public defender expressed surprise at his client's confession.

"I'm not sure if we've had a parting of our thoughts here or what," Steve Osburn said. "We'll have to talk with Scott and see what's going on in his head, I guess."

Roeder told The Star that he planned to retain his public defenders but added that he also was looking at other lawyers.

In September, Roeder met with Georgia lawyer Michael Hirsh to discuss legal strategies. Hirsh is considered an authority on the justifiable homicide defense. Roeder said that he has remained in contact with Hirsh.

Hirsh declined to comment Monday. But in a recent interview with The Star, Hirsh said: "The fact is that there is a mountain of scientific evidence that shows the humanity of an unborn child. And Dr. Tiller was notorious, by his own designs, for specializing in late-term abortions. So there's no denying by rational people the humanity of an unborn child, and the only difference in the unborn child and you and me is size, age and location."

In 1992, a protester used the necessity defense in appealing her trespassing conviction after she was arrested for blocking access to a Wichita abortion clinic during Operation Rescue's 1991 "Summer of Mercy" demonstrations.

Elizabeth Ann Tilson's attorney argued in court that life began at conception, so Tilson had to break the law to prevent a greater harm — the death of another person.

Tilson's conviction in Wichita Municipal Court was overturned by a Sedgwick County district judge, who held that she violated the city's trespassing law but that she was absolved of any criminal liability, based on the necessity defense.

The city appealed, and the Kansas Supreme Court reversed the decision, saying that the necessity defense could not be used when the harm that was sought to be avoided was a constitutionally protected legal activity and the harm incurred was a violation of the law.

The court noted that numerous courts had considered whether the necessity defense applied to cases of those who blocked access to abortion clinics.

“Every appellate court to date which has considered the issue has held that abortion clinic protesters, or ‘rescuers’ as they prefer to be called, are precluded, as a matter of law, from raising a necessity defense when charged with trespass,” the court ruled.

Accepting such a defense, the court said, would “not only lead to chaos, but would be tantamount to sanctioning anarchy.”

Tilson appealed to the U.S. Supreme Court, which refused to hear the case, letting stand the Kansas Supreme Court’s decision that the defense was not legally valid.

Roeder’s confession came the same day that a group of abortion opponents, including 1996 Olympic bomber Eric Rudolph, released a declaration stating that Tiller’s killing was justifiable.

“We, the undersigned, declare the justice of taking all godly action necessary to defend innocent human life including the use of force,” said the statement, which is signed by Roeder and 20 others.

Some of those who signed the declaration have done prison time for abortion clinic violence, and others are currently in prison.

Kathy Spillar, executive vice president of the Feminist Majority Foundation, said Roeder’s confession and the “Defensive Action” statement should raise red flags with authorities.

“This clearly shows his connection to the most extremist branch of the anti-abortion movement, which has long advocated this defense, that somehow the murder of doctors is justifiable,” Spillar said.

“It’s a defense that should not be allowed, but it shows his deep connections. We can only hope that law enforcement is looking into those connections and any possible involvement in the murder of Dr. Tiller,” she said.

To reach Judy L. Thomas, call 816-234-4334 or send e-mail to jthomas@kcstar.com.

November 10, 2009

Shooter of Abortion Practitioner George Tiller to Rely on Justifiable Homicide

by Steven Ertelt

LifeNews.com Editor

November 10, 2009

[Email](#) [RSS](#) [Print](#)

Wichita, KS (LifeNews.com) -- The man who stands accused of shooting and killing late-term abortion practitioner George Tiller plans to rely on a justifiable homicide defense in court. Scott Roeder told The Associated Press in a 30-minute phone interview that he was motivated to kill Tiller because he does abortions.

In the interview, Roeder admits to killing Tiller and plans to use the defense even though courts

have traditionally rejected it.

"Defending innocent life – that is what prompted me. It is pretty simple," the 51-year-old former militia activists not affiliated with any pro-life groups, told AP.

Roeder also indicated he would kill another abortion practitioner if he is ever released from prison.

"[E]ven if one changed her mind it would be worth it," he told AP from jail. "No, I don't have any regrets."

Defense attorneys are not likely to rely on self-defense as a possible defense for Roeder because Roeder was not defending himself or anyone else at the time of the shooting.

But Roeder, if in a conflict with his public defender, could dismiss him and represent himself with the justifiable homicide defense or find an attorney who will.

Roeder faces life in prison with the possibility of parole after 25 years if convicted of first-degree murder.

Tiller was one of the few abortion practitioners in the United States to do late-term abortions and he had been a subject of legal and peaceful efforts by pro-life groups at the time of the shooting.

Organizations had been working to get the state medical board to revoke Tiller's license because of allegations that some of the abortions he did violated state law but not having an independent physician certify they were necessary.

Hundreds of pro-life groups condemned the Tiller shooting immediately or in the days following, but that didn't stop abortion advocates from claiming they supported the killing or calling the majority of Americans who take a pro-life view "terrorists." <http://www.lifenews.com/state4186.html>

Roeder, who shot Tiller prior to a Michigan man killing a pro-life advocate outside a local high school for protesting abortion, will not go on trial until next year. The Sedgwick County District Attorney's office said last month that it is not prepared to take Roeder to trial until next year.

The date had been scheduled but is now set for January 25, 2010. That is just three days after the 37th anniversary of the infamous Roe v. Wade Supreme Court decision that allowed virtually unlimited abortions -- which likely means that the trial will color the mainstream media's coverage of the anniversary.

Church member Gary Hoepner was the first witness called at a preliminary hearing for Roeder in July and said Roeder pointed a gun at Tiller's head and killed him.

"I wasn't sure if it was a cap gun or what," Hoepner said, noting that he wasn't certain that the assailant had a real gun to use to hurt Tiller. "I couldn't believe what I was seeing."

Hoepner said he and Tiller were discussing Tiller's fondness of doughnuts at the time he was shot.

Roeder is also charged with aggravated assault for allegedly threatening Hoepner and another member of the church as he fled the scene.

"I've got a gun and I'll shoot you," Hoepner recalled Roeder saying. "I believed him and I stopped."

After the incident, Hoepner told the court that he wrote down the license plate of Roeder's

vehicle and informed police.

The court also heard that Roeder attended Tiller's church several times before, including the Sunday prior to the church service during which he allegedly shot the abortion practitioner.

With plenty of evidence and witnesses, a case will likely move forward and speculation is on what type of defense Roeder's attorneys will rely on during the trial. Some observers say they could say Roeder suffered from mental illness at various times in his life.

Roeder says he is not mentally ill now, although his family members have told the media that he has suffered from mental health issues throughout his life. He was diagnosed with schizophrenia in his late teens and Roeder blames that on drug use at the time.

Justice Department spokesman Alejandro Miyar told AP that the federal government is looking at federal charges against Roeder in connection with Tiller's death.

Suspect confesses to killing Wichita abortion doctor George Tiller

By JUDY L. THOMAS
The Kansas City Star

Scott Roeder confessed Monday to killing Wichita abortion doctor George Tiller, saying he had no regrets because “preborn children were in imminent danger.”

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“We will continue to pursue our case in court,” Cole said.

Roeder said he planned to use a so-called necessity defense at his trial, arguing that he killed Tiller to prevent a greater harm. Other anti-abortion activists charged with violent acts have tried to use such a defense, but with little success.

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Posted on Tue, [Nov. 10, 2009](#)

Lawyer: No 'necessity defense' planned for Roeder

By
Associated Press Writer

ROXANA

HEGEMAN

An anti-abortion activist says he's the one who killed a Kansas abortion provider - and did it because it was necessary to save lives. [But one of his attorneys says there's no such thing as a "necessity defense" in state law, and that is not the strategy the defense team plans to present at his trial.](#)

Scott Roeder told The Associated Press in a telephone call from jail on Monday that he plans to argue at his trial that he was justified in shooting Dr. George Tiller to protect unborn children.

["We have explored that possibility," public defender Steve Osburn said a day after his client's confession. "That does not seem to be the approach that is viable, nor is it the approach we intend to use."](#)

Roeder, 51, of Kansas City, Mo., is charged with one count of first-degree murder in Tiller's death and two counts of aggravated assault for allegedly threatening two ushers who tried to stop him during the May 31 melee in the foyer of the doctor's Wichita church. Roeder has pleaded not guilty and is scheduled to go to trial in January.

He told the AP he has no regrets about killing Tiller.

His calls to the AP and the Kansas City Star came on the same day several strident abortion opponents released their "Defensive Action Statement 3rd Edition" that proclaims any force that can be used to defend the life of a "born child is legitimate to defend the life of an unborn child."

[Osburn said he has discussed with Roeder "on numerous occasions" that a necessity defense](#)

was not viable, despite what his client was hearing from others. Roeder has said he is looking for an attorney who will present such a defense but cannot afford to hire one.

His former wife said Tuesday that she was in another room when she heard a television news report play an audio clip of his confession to the AP. Lindsey Roeder said she found it surreal to hear her ex-husband's voice.

"Even though you heard other people say, 'I saw him do it,' even though I have heard since 1993 how he feels about justifiable homicide in response to abortion, it made it all very real," she said. "It was no longer just something we saw on TV or heard in the papers."

Both sides downplayed the impact Roeder's statements to the media would have on their cases.

"It is what it is. He is his own man and we are going to move forward," said Mark Rudy, Roeder's other public defender.

The defense worked out a plan some time ago on how to proceed with the case, and that plan has not changed, Osburn said. He declined to give specifics on the plan.

"I would highly doubt that the state would attempt to call reporters up to the stand to talk about their conversations with Scott, and I say that because **they are not going to want to open this up into arguments about things such as justification, when life begins and all those issues,**" Rudy said.

"I anticipate that they will try to keep this narrow, to the point and try it as a typical murder case," he said. "Therefore they aren't gonna want to open the door to certain other issues that would undoubtedly come out if the media was put up on the stand."

But Rudy left open the possibility that the defense would subpoena the media.

Asked whether his client's public admission makes it harder to defend him, Rudy replied: "It depends on how efficient you are at dodging a subpoena."

[Meaning, if we get you reporters on the stand, his public admission will make it what, easier?]

Georgia Cole, spokeswoman for the Sedgwick County District Attorney's Office, declined to talk about any specifics of the prosecution's case but said Roeder's confession doesn't have any real effect.

"We will continue to prepare for trial and present our case as in all murder cases," Cole said.

E. Jay Greeno, the attorney who defended Shelley Shannon for shooting and wounding Tiller in 1993, sympathized with the difficulties faced by Roeder's attorneys when representing a client who has a different agenda. Shannon also confessed to the media.

"I respect Shelley Shannon for her conviction," Greeno said. "I don't agree with her methods or her position, but she gave up her liberty for what she believes in and continues to do so."

Dave Leach, an Iowa abortion opponent and longtime friend of Roeder, has been coordinating a public relations campaign to push for a necessity defense in Roeder's case. Leach put together the "Defensive Action Statement 3rd Edition."

Supporters contend Roeder cannot get a true "trial by jury" unless jurors are allowed to consider whether he was justified in killing Tiller to prevent a greater harm. By admitting to the shooting itself, Roeder hopes to focus the trial on that single issue.

My comment after her article, posted 10:17:

Hegeman (the reporteress) leaves the "because" out of "Supporters contend Roeder cannot get a true "trial by jury" unless jurors are allowed to consider whether he was justified in killing Tiller to prevent a greater harm. By admitting to the shooting itself, Roeder hopes to focus the trial on that single issue."

The "because": because that issue - whether he was justified in killing Tiller to prevent a greater harm - is the **ONLY ISSUE OF THE TRIAL ABOUT WHICH THERE IS ANY DISPUTE**. When a judge classifies the only contested issue of a trial a "question of law", which the jury is unqualified to even know about, does a man still have a Constitutional Right to Trial by Jury in America?

Is it radical, extremist, fanatical, and "dangerous" to think this isn't right?

The first Defensive Action Statement was written by Paul Hill in 1993 and signed by 29 people in support of Michael Griffin's shooting of Dr. David Gunn, a Florida abortion provider. The next year, Hill killed Dr. John Britton and a clinic escort. A second statement, signed by 28 people, supported those killings. Hill was executed in 2003.

"It is as true now as it was the first time around," Joshua Graff, a Williamsport, Md., abortion opponent wrote to Leach, asking him to add his name to the third edition.

Roeder Admits to Killing Dr. George Tiller

By Cliff Judy (WICHITA, Kan.) KSCW TV, November 10, 2009

Scott Roeder's hatred for abortion has never been in question, but whether he acted on that hatred had been a question for the courts. On Monday, Roeder admitted to an Associated Press reporter he killed Wichita late-term abortion provider Dr. George Tiller.

In a phone interview from the Sedgwick County Jail, Roeder told AP reporter Roxana Hegeman he was justified in shooting Dr. Tiller to protect the lives of unborn children. Roeder wants to use the so-called necessity defense or a justifiable homicide defense at his murder trial in January.

- [Listen to Audio Clip 1](#)

"I want to make sure that the focus is, of course, obviously on the preborn children and the necessity to defend them"

- [Listen to Audio Clip 2](#)

"So even if one changed her mind it would be worth it. No, I don't have any regrets."

- [Listen to Audio Clip 3](#)

"Are you saying you shot Tiller?" Well...uh...(inaudible) that's pretty much the case. Yeah, because...obviously if I'm gonna come out with a defense that would, that would have to be the case."

Hegeman says she was expecting Roeder's call on Monday. It came on the same day abortion opponent Dave Leach released statements and videos saying Roeder should be allowed to use a necessity defense. Leach calls the release a new "Defensive Action Statement" arguing the same force to protect born children should apply to unborn children.

Hegeman says Roeder's been sensitive to how the public perceives him. She says she's talked to

Roeder on a near-weekly basis since his arrest last May because she believes in cases of extremism, it's important the public understands what drives the extremist.

"Roeder thinks of himself as a good man," says Hegeman, "and he seems to think that he did the right thing. People need to kind of understand that that's what's driving this, which is also one of the reasons it's so dangerous."

Roeder also told Hegeman he wasn't sorry for killing Dr. Tiller because he'd heard some women carried their babies to term after his death.

"No, I don't have any regrets," says Roeder, "because I have been told so far at least four women have changed their minds, that I know of, and have chosen to have the baby. So even if one changed her mind, it would be worth it. No, I don't have any regrets."

A judge would have to approve the defense strategy Roeder's proposed. The judge overseeing Roeder's murder trial, Judge Warren Wilbert, was out of the office Monday and unavailable for comment. The necessity defense was previously rejected by the Kansas Supreme Court in 1993 in an abortion clinic trespassing case.

After Roeder's preliminary hearing in July, his defense attorneys from the local public defender's office entered a not guilty plea on his behalf. Calls to the Sedgwick County Public Defender weren't returned to Eyewitness News on Monday.

Prosecutors handling the case against Roeder have previously told Eyewitness News Reporter Cliff Judy they would oppose any defense action to bring the abortion issue up at trial. During Roeder's preliminary hearing in July, Chief Deputy District Attorney Kim Parker told Eyewitness News that prosecutors wanted to stick to the facts of the case against Roeder, not Dr. Tiller's profession.

Roeder is charged with first degree murder and two counts of aggravated assault.

Lawyer says Roeder can't use defense

BY

RON

SYLVESTER

The Wichita Eagle Wednesday, Nov. 11, 2009

Scott Roeder's lawyer said Tuesday that [the defense](#) his client had hoped for in the murder trial of a Wichita abortion provider [isn't legal](#).

On Monday, Roeder publicly confessed to killing George Tiller to reporters from the Kansas City Star and the Associated Press. Roeder also said he hoped to use as his defense that killing Tiller was necessary to save the lives of the unborn.

["There's no such thing as the necessity defense,"](#) said Steve Osburn, head of the Sedgwick County Public Defender's Office and Roeder's lead counsel. ["This is a fictional defense made up by these people."](#)

[It's not a legal defense, either, Osburn said.](#)

["There is nothing in the law of Kansas, or anywhere else, that allows this kind of defense,"](#) Osburn said.

Not-guilty plea

Roeder, 51, of Kansas City, Mo., is charged with one count of first-degree murder in Tiller's death and two counts of aggravated assault for allegedly threatening two ushers who tried to stop him during the May 31 shooting in the foyer of the physician's Wichita church. Roeder has pleaded not guilty.

While prosecutors and defense attorneys say they expect Roeder's trial to resemble other first-degree murder trials, there are some exceptions.

Picking a jury was always expected to be difficult. But Roeder's statements this week indicate that he wants the trial to focus on the morality of abortion rather than Tiller's death.

"It was always going to be a can of worms picking a jury," Osburn said. "Nothing has changed about that."

Jurors could face personal questioning about their views on abortion.

Judge Warren Wilbert is scheduled to hear arguments about jury selection at pre-trial hearings next month.

Linda Marvin, who supervises juries at the Sedgwick County Courthouse, said she had already discussed jury selection processes with Wilbert. She declined to release any details at this stage until the judge approves.

Motions about jury questionnaires are under seal.

Jurors' beliefs

Abortion comes up so rarely as the focus of trials, jury consultant Anne Reed said she doesn't remember ever seeing a pre-trial questionnaire dealing with that issue. As the author of the blog "Deliberations," Reed keeps a library of jury questionnaires.

"There are not only political issues involved, but personal ones," said Reed, a trial lawyer in Milwaukee. "Experiences such as having an abortion or knowing a loved one who has had one help form personal opinions about that."

Lawyers are aware that potential jurors can let their personal beliefs enter the legal process in trials that include controversial issues.

While Roeder's defense of protecting the unborn may not be recognized by law, that may not stop jurors from trying to insert those views into the trial.

Lawyers call verdicts based on personal beliefs "juror nullification." The term refers to juries taking the law into their own hands.

It happened during the civil rights movement, when white juries in the south acquitted white people despite overwhelming evidence that the defendant had killed a black person.

What a biased example to choose! The example that draws sympathy to the other side is that during prohibition, juries refused to convict people for drinking.

To find out whether jurors can set aside their beliefs about abortion and listen to the evidence, lawyers may have to ask some personal questions, such as any experiences with abortion.

"I would think this would be similar to a sexual assault case," Reed said. "In those cases lawyers, very respectfully, ask potential jurors about personal experiences with those types of crimes. Most lawyers find ways to respectfully learn about personal issues."

Jury nullification

Reed said even jurors who don't know about the theory of nullification can easily find it, because it is prevalent on the Internet.

"So even if they're searching 'jury duty' for something as innocent as what to wear, they may be exposed to jury nullification," Reed said.

The defense that Roeder had hoped for isn't recognized by law, but it is included on numerous Web sites, mostly by anti-abortion activists. That includes ScottRoeder.org, sponsored by a group calling itself the "radical fringe," registered to an address in Wisconsin.

It doesn't represent the mainstream of the anti-abortion movement, said Troy Newman, president of Operation Rescue in Wichita.

"My first reaction was, 'Hey, Roeder, this isn't 'Law and Order.' Or Hollywood,'" Newman said, referring to a popular television show. "No matter what his defense is, it is not representative of the pro-life movement, and I wish he'd stop trying to identify with people who abhor people who use violence to justify their religious beliefs."

A murder trial

As the trial judge, it's up to Wilbert to decide what testimony is relevant, including what Roeder

might say if he decides to take the witness stand. A judge also can instruct the jury that a certain defense is not allowed by law.

Lawyers may try to limit the role that abortion plays in the trial. Despite the emotion, the politics and hot-button issues, lawyers on both sides say they're hoping to keep the focus on Roeder's trial much like any other first-degree murder case.

"Every case is different, but our preparation is always to present the facts in front of a jury," said Georgia Cole, spokeswoman for the Sedgwick County District Attorney's Office.

Said Osburn: "We are preparing for a defense much like we do in any murder trial."

Jury selection begins Jan. 11.

Posted on Thu, Nov. 12, 2009, Wichita Eagle

Roeder's 'defense' is nonsense

Staff Editorial

Scott Roeder dwells in the Sedgwick County Jail these days, awaiting trial early next year on charges that he gunned down George Tiller in a Wichita church in May. But judging from Roeder's unrepentant confessions to the murder this week in the media, Roeder also lives in some other world in which a cold-blooded killing can be justified by the cockamamie excuse of his choosing.

"Defending innocent life — that is what prompted me. It is pretty simple," he told Associated Press.

"Preborn children were in imminent danger," he told the Kansas City Star.

Everybody gets it by now — Roeder strongly opposes abortion and especially objected to Tiller's Wichita practice, with its focus on late-term abortion.

But Tiller's practice was legal under the law, despite the best efforts of a former Kansas attorney general and several grand juries to demonstrate otherwise over many years.

The actions to which Roeder now has confessed in the media violate both law and **conscience**.

Local pro-life groups also reject Roeder's claim that the murder was justifiable.

And his public defender says that the "necessity defense" isn't even allowed in Kansas. Indeed, it was rejected by Kansas' appellate courts related to abortion in 1993 and **2007**.

"There is nothing in the law of Kansas, or anywhere else, that allows this kind of defense," Steve Osburn, head of the Sedgwick County Public Defender's Office and Roeder's lead counsel, told The Eagle.

By trying to argue the so-called necessity defense in the court of public opinion, **Roeder invites "jury nullification" — a subversive practice in which jurors acquit a defendant because they view the law under which he's charged as immoral or otherwise wrong.**

Roeder's public statements will further burden the judge and others involved in the proceedings with the responsibility to ensure that the jury is impartial, the evidence is relevant, and the case is decided on facts and the law rather than on emotion.

Like any other alleged criminal in the local jail, Roeder is entitled to the full measure of justice under Kansas law. But it will be most regrettable if Roeder continues to pass the time behind bars by trumpeting this nonsense he considers a defense.

— For the editorial board, Rhonda Holman

Comments: 14 Showing: Oldest first Newest first Most-recommended first Least-recommended first

•
[Maggotpunk](#) wrote on 11/12/2009 2:16:57 PM:

Are you the Rev. Donald Spitz from Virginia who was involved in that child porn scandal?

[Recommend](#) (1) [Report abuse](#)

•
[RevSpitz](#) wrote on 11/12/2009 1:25:55 PM:

Scott Roeder's 'defense' is not nonsense. **It is the only defense and it is justified.** He did the right thing. He stopped that babykilling butcher George Tiller from murdering any more children.

If I was on his jury, he would walk as he should. If anyone should be on trial it is those who worked in Tiller's abortuary

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•
[chooseaside](#) wrote on 11/12/2009 11:12:56 AM:

"I believe the defense is the truth of what happened"

Yes, that may be true that he believed by killing Tiller he was stopping him, and it did, but ultimately that is no defense because what Tiller was doing was a service that was legal. You may as well say he could kill the mothers so they don't kill the possible future baby because the decision and ability is still with them.

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•
[Johnpadilla](#) wrote on 11/12/2009 10:35:32 AM:

I believe the defense is the truth of what happened .. the rubric ... "nonsense" .. doesn't apply because its the truth. what is really nonsense is that the political shenanigans of court manipulation that just might deny Roeder his due process ... and that is against the law of the land.... sounds like Steve Osburn has got his mind made up .. that is so typical of a so called public defender so actually ... he will not have appropriate defencse ... sounds like he will get ... railroaded.

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•
[aimeep](#) wrote on 11/12/2009 10:25:25 AM:

I used to live in Wichita and have been following this story closely. I can understand why Roeder thought he was justified by killing Dr. Tiller. But he still took a life, much like Tiller was taking the lives of unborn children. Tiller was not going against the law. He was doing what women wanted by aborting their unborn babies. We do not know why the babies were being aborted. It could have been health reasons, it could have been a child conceived out of rape, it

could have been a young girl that was not mature enough to handle a baby. There are so many reasons why a woman has an abortion. I am not saying I am pro-life or anti-life, either. It is my opinion that if a woman is wanting an abortion it should be performed early and not late. If a late term abortion is wanted, why not have the baby and give it up for adoption, instead of killing it? I guess that is what I do not understand. Unless, a woman finds out later that her or the baby's health is in jeopardy.

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[spur011](#) wrote on 11/12/2009 10:23:09 AM:

I agree that his proposed defense is legally insufficient, but he should try to present it anyway. If he's taking the position that he was trying to stop a murderer, he should attempt to say so in court; he'll be rebuffed, but he should preserve the point for review. After the Kansas Supreme Court upholds his conviction, he should seek cert, which will be denied, and he'll spend the rest of his life in prison. However, the way to attempt to make your point in court is to raise it, respectfully, even if you'll fail, and to argue that previous law is wrong. Whether he's John Brown or John Wilkes Boothe will be for future history to decide.

[Recommend](#) (0) [Report abuse](#)

•
[Calvin43](#) wrote on 11/12/2009 10:14:43 AM:

Slavery, like abortion, was recognized and protected by the laws. Those opposed to slavery, when they took illegal actions to bring down that evil institution, said they were responding to a "higher law." John Brown of Osawatimie—often referred to as "mad" and "crazy"—was one such individual. And he was hung for his attack upon the US Arsenal at Harpers Ferry. One can ask if Scott Roeder is another Brown responding to a higher law. His defense—"defending innocent life"—is certainly one, in light of our own history, that is worthy of consideration. It should not be brush aside cavalierly. In fact to do so is foolhardy. It is well that we recall that Brown was hung dead by the State for insurrection in 1859—but soon thereafter thousands of soldiers would march in his name and destroyed forever the legal yet abominable institution of slavery.

[Recommend](#) (0) [Report abuse](#)

•
[Maggotpunk](#) wrote on 11/12/2009 9:55:40 AM:

"Do you get it now? Of course, I don't expect you to."

Yeah, now that Roeder is connected to Operation Rescue they gotta distance themselves away from one of their donors who they worked with, and provided information to.

[Recommend](#) (1) [Report abuse](#)

•
[bgamelson](#) wrote on 11/12/2009 9:36:32 AM:

Maggotpunk, Troy Newman never stated what his opinion was on this defense issue as you falsely claim. He only stated a judge denied Hill his right to present that defense which may have been his right under Florida law, instead sending him to his death bed.

"Local pro-life groups also reject Roeder's claim that the murder was justifiable."

Do you get it now? Of course, I don't expect you to

Wichita Eagle, Nov 13, Ron Sylvester

Attacking statements made by the Sedgwick County district attorney and stories in The Wichita Eagle, public defenders for Scott Roeder this week asked for his first-degree murder trial to be held elsewhere.

Sedgwick County District Judge Warren Wilbert set Dec. 22 to hear the motion to change venue, which cites controversy surrounding the killing of Wichita abortion provider George Tiller.

"The death of George Tiller represented the confluence of controversial issues deeply ingrained into the mindset of multiple generations of Wichita residents," public defender Mark Rudy wrote in the motion.

Tiller was one of the few doctors in the nation who performed late-term abortions. He was shot May 31 while serving as an usher in the lobby of the Wichita church he attended.

Roeder was arrested later that day near Kansas City, where he lived.

"Individuals who claimed to know the defendant were quoted with inflammatory statements damning the defendant," Rudy wrote.

Rudy cited stories published by The Eagle and other news outlets as contributing information that won't be allowed at trial, including Roeder confessing to Tiller's killing in a phone call to reporters.

That's one piece of information the jury isn't likely to hear, Rudy wrote, because "for tactical reasons, the State will not be seeking the admission of much of the material, including, his 'confession.'"

Rudy also cited a comment made by District Attorney Nola Foulston in a June 10 phone call between the parties and Wilbert, where the district attorney said a reasonable person would believe the suspect has engaged in "alleged acts of American terrorism."

That comment, reported in news accounts, tried to "link the defendant and his actions to the most despised American enemy in a post 9/11 nation," Rudy wrote.

Such comments make picking an impartial jury impossible in Sedgwick County, Rudy argued.

"After potential jurors have been subject to such vast pretrial publicity, it becomes a legal fiction to assume that jurors will preserve the presumption that a defendant is innocent," Rudy wrote in the motion.

Foulston's office said they would respond to the arguments in court.

There are two pre-trial hearings set next month. The next hearing is Dec. 9.

Rudy and Steve Osburn will seek in that hearing to keep potential jurors from being dismissed if they favor prohibiting abortion rights.

There has not been a change of venue granted in Sedgwick County in at least 40 years.

Trial is set to begin Jan. 11.

November 24, 2009 Posted on Tue, Nov. 24, 2009

Scott Roeder's lawyers fight for necessity defense in Tiller death

BY
Associated Press

ROXANA

HEGEMAN

An attorney for the man accused of shooting George Tiller has argued in court documents that his client has an "absolute right" to present a defense that argues the killing was justified to stop abortion.

A defense motion made public Monday seeks to thwart prosecutors' efforts to ban the so-called necessity defense from Scott Roeder's murder and aggravated assault trial. A hearing on the issue is set for Dec. 22.

"For the Court to grant the State's motion to prohibit 'any evidence' in support of the necessity defense would be premature, and contrary to Kansas law," the defense wrote. "In addition, it would be rank speculation on the part of the state (and the Court if it were to grant said Motion) as to the purpose of any and all evidence that the Defendant may seek to introduce."

Roeder, 51, of Kansas City, Mo., is charged with one count of first-degree murder in Tiller's death and two counts of aggravated assault for allegedly threatening two ushers who tried to stop him during the May 31 incident in the foyer of Tiller's Wichita church. Roeder has pleaded not guilty and is scheduled to go to trial Jan 11.

He told reporters earlier this month that he shot Tiller to protect unborn children and planned to present a necessity defense at his trial. He also said one of his two public defenders, Mark Rudy, had given him the "green light" to talk to the media about it.

But the following day, lead defense attorney Steve Osburn told reporters the necessity defense did not exist in Kansas law and the defense team did not plan to present that strategy.

On Monday, Osburn declined to clarify the discrepancy between the court filing and his earlier statement, but he suggested he may have used the media to confuse prosecutors about the defense strategy.

Rudy did not immediately return a call for comment Monday. Georgia Cole, spokeswoman for the Sedgwick County District Attorney's Office, declined to talk about the case, saying prosecutors would make their arguments in court.

In the wake of Roeder's confession, prosecutors filed court papers seeking to ban the necessity defense at his trial.

To bolster their argument, they cited a criminal trespass case involving an abortion clinic in which the Kansas Supreme Court ruled that to allow the personal beliefs of a person to justify criminal activity to stop a law-abiding citizen from exercising his rights would "not only lead to chaos but would be tantamount to sanctioning anarchy."

Roeder's public defenders responded that his case differs because a trespass at an abortion clinic is just a potential temporary interruption of the practice of abortion.

Defense attorneys noted the Supreme Court also said that whether "the necessity defense should

be adopted or recognized in Kansas may best be left for another day."

http://cjonline.com/news/local/2009-11-23/complaint_filed_against_rucker

Complaint filed against Rucker

By [James Carlson](#)

Created November 23, 2009 at 11:01am

Updated November 24, 2009 at 1:39am

An ethics complaint filed with the state's attorney disciplinary board on Monday alleges former Kansas Attorney General chief of staff Eric Rucker considered the high-stakes pursuit of abortion clinics worth the gamble "for the greater cause."

New details arose in the complaint, which alleges the attorney general's office staked out a Wichita abortion clinic and recorded license plate numbers, used figures it knew to be misleading to obtain a judge's approval for records and that Rucker lied during arguments before the Kansas Supreme Court.

When urged by an investigator to back off, the complaint alleges, Rucker replied, "sometimes the personal losses -- or the benefit or gain of a larger cause -- outweighs that of a personal impact."

Rucker will appear before the Board for Discipline of Attorneys from April 27 to 28 for a hearing on charges that he violated rules of professional conduct, including breaching the public trust.

The complaint is the second against a deputy of former attorney general Phill Kline. In September, former assistant attorney general Stephen Maxwell was issued a complaint. At that time, disciplinary board spokesman Ron Keefover said Rucker, who currently serves as assistant Jefferson County attorney, and Kline, a former Johnson County district attorney, would be the subjects of ethics complaints as well.

As of Monday, no complaint had been filed against Kline.

Monday's complaint stems from allegations of misconduct while Kline investigated alleged criminal conduct by abortion providers Planned Parenthood of Kansas and Mid-Missouri and Women's Health Care Services in Wichita, run by George Tiller, who was killed May 31.

"We are anxiously awaiting what we hope will be a third ethics complaint filed against Phill Kline," said Peter Brownlie, president and chief executive officer of PPKM. "The complaint against Rucker just confirms what Planned Parenthood has been saying along, that this whole case was essentially made up for political purposes.

"As attorney general and later at the Johnson County Attorney General's Office, Kline and his top people pursued a political agenda, at times without regard for the law. We are pleased the truth in this matter is becoming apparent."

Kline, a Republican, began investigating abortion providers as Kansas attorney general in 2003-07 and continued as Johnson County district attorney in 2007-09.

When contacted about the ethics complaint against Rucker, Kline e-mailed the following statement to The Topeka Capital-Journal:

"This filing reveals more about the actions and efforts of the Kansas Supreme Court than Mr. Rucker. The Court has silenced a key witness to criminal activity by Kansas abortion providers and thwarted a legitimate investigation and prosecution for violation of Kansas law. Mr. Rucker has served Kansas honorably and honestly as a County Commissioner, County Attorney, Deputy Attorney General and Deputy District Attorney."

The complaint highlights what it sees as Kline's and Rucker's drive to prosecute abortion providers. It alleges, for instance, that between January and fall of 2005 Kline's office staked out Tiller's clinic, "following visitors and employees to their vehicles and recording automobile license plate numbers." Attempts were then made to run the numbers through state agencies to identify the drivers, the complaint says.

Later, when Rucker argued before the Kansas Supreme Court for the release of patient records from PPKM and WHCS, he told the justices the attorney general's office wasn't pursuing the identity of any woman who visited the clinics, despite the complaint saying Rucker knew of the stakeouts.

The pursuit by Rucker and Kline of abortion records began shortly after Kline took office as attorney general in early 2003. The complaint says Kline held a meeting in which he, Rucker and special agent Tom Williams formulated "a plan to target WHCS."

The plan to investigate Tiller was discussed in a "confidential memo," the complaint says.

First, Kline authored an opinion stating any pregnant child under 16 was a victim of abuse because intercourse with a child under age 16 is illegal.

The office then requested abuse statistics from the Kansas Social and Rehabilitation Services and from Sedgwick County's exploited child unit. There was a big disparity between the small numbers reported to SRS and the bigger numbers reported to Sedgwick County.

The investigator -- despite knowing the SRS numbers were "obviously flawed," the complaint says -- used the statistics with Maxwell's and Rucker's knowledge to gain a judge's approval to access state-held abortion records.

"Neither Mr. Maxwell nor (Rucker) took any action to correct the misrepresentations previously made to the court," the complaint states.

The alleged attempts to usurp normal procedures didn't faze Rucker, according to one investigator in the Johnson County District Attorney's Office.

That office is where Kline landed after his failed re-election bid in 2006. There, Kline and Rucker attempted to maintain abortion records they had obtained while in the attorney general's office, a pursuit one Johnson County investigator thought ill-advised.

That agent, Jared Reed, testified last year that he told Rucker: "If you continue down one path to help the cause, you actually hurt the cause. When you're -- you know, sometimes it's best to kind of

take a step back and re-evaluate and maybe approach it a different way."

According to Reed, Rucker replied that the larger cause outweighed personal losses, "and that the personal or individual careers are worth sacrificing for a greater cause, including the killing of babies."

Capital-Journal staff writer Christina Hansen contributed to this report.

December 20, 2009

Wichita Eagle
Posted Sunday, Dec 20, 2009
Judge Mulls Pivotal Issues in Kan. abortion trial

By ROXANA HEGEMAN
Associated Press Writer

WICHITA, Kan. - A judge is weighing a critical legal question in the case of a man who confessed to killing one of the nation's few late-term abortion providers: Can the man claim at his trial that the slaying was justified to save the lives of unborn children?

Scott Roeder, a 51-year-old Kansas City, Mo., man, is charged with one count of premeditated, first-degree murder in Dr. George Tiller's death and two counts of aggravated assault for allegedly threatening two ushers during the May 31 melee in the foyer of the doctor's Wichita church.

District Judge Warren Wilbert has yet to rule on a bevy of court filings that will set the course for the Jan. 11 trial, and will consider some of them in court Tuesday. But the documents offer a glimpse at the unfolding legal strategies in a case played out amid the rancorous debate over abortion.

Since the killing, Roeder has confessed to reporters that he shot Tiller, while his anti-abortion allies have urged Roeder to present the so-called "necessity defense" in hopes that an acquittal could turn the larger debate over abortion in their favor.

"I choose this action I am accused of because of the necessity defense," Roeder told The Associated Press in November. "I want to make sure that the focus is, of course, obviously on the preborn children and the necessity to defend them."

If the judge rejects that defense, Roeder and his attorneys would not be allowed to make that argument to jurors at his trial. Similar efforts to use such a strategy in cases involving abortion-related violence have generally been banned - perhaps most relevantly at the 1993 trial of an Oregon woman accused of shooting and wounding Tiller.

Roeder, who has pleaded not guilty, confessed to the shooting on Nov. 9, telling The Associated Press he has no regrets for killing Tiller and suggesting the necessity defense should be the only contested issue of his trial. Roeder declined to say when asked if he would kill another abortion provider if he were acquitted.

The so-called "necessity defense" has rarely been successfully used in abortion cases. Roeder's attorneys - while arguing that their client has a right to present his theory of defense - have so far kept their own strategy secret.

Legal experts and others close to the case have suggested his public defenders may actually be aiming at a conviction on a lesser offense such as voluntary manslaughter - defined in Kansas as "an

unreasonable but honest belief that circumstances existed that justified deadly force."

That would be an easier argument to make to jurors than a necessity defense, which is unlikely to win, said Melanie Wilson, a University of Kansas law professor. A necessity defense, also known as the "choice of evils defense," requires proof that the defendant reacted to an immediate danger, an argument that is undermined by abortion's legality.

"The defendant has a right to a defense and so if he can put forth evidence that shows adequate facts to support such a defense, well then he should be allowed to do so," Wilson said. "I suspect that is what the big fight is going to be at the motions hearing."

A wild card is Roeder's close relationship with Iowa anti-abortion activist Dave Leach, who has been separately crafting a necessity defense for Roeder - including writing motions that could be used if Roeder were to represent himself. Leach said the goal is to encourage states to criminalize abortion again or at least bolster a defense that would allow activists to block clinic entrances without fear of arrest.

"My strong conviction is that this case presents an opportunity, through education of both the public and the courts, to end abortion," Leach said.

Prosecutors want to block such notions, citing a criminal trespass case involving an abortion clinic in which the Kansas Supreme Court ruled that allowing someone's personal beliefs to justify criminal activity would be "tantamount to sanctioning anarchy."

Roeder's two public defenders responded that Roeder's case differs because trespassing at an abortion clinic is just a potential temporary interruption of the practice of abortion, whereas Roeder succeeded in shutting down Tiller's clinic.

If convicted of first-degree murder, Roeder faces a life sentence with the possibility of parole after 25 years. A conviction for voluntary manslaughter for someone with as little criminal history as Roeder could bring a sentence closer to five years if the judge follows state sentencing guidelines.

Roeder's public confession notwithstanding, prosecutors have overwhelming evidence against him - chiefly the eyewitnesses who identified Roeder as the shooter during a preliminary hearing in July. Legal experts say the prosecution will likely want to keep the case limited to a straightforward murder case and avoid a discussion of abortion.

"The defense would rather have it be a trial of abortion - particularly late-term abortion - and not a trial of the killing of Dr. Tiller," said Richard Levy, a law professor at the University of Kansas. "It is often a sound defense strategy to go after the victim."

Also ABC News, <http://abcnews.go.com/US/wireStory?id=9385907>
<http://www.canadaeast.com/rss/article/896321>

Judge mulls 'necessity defence' in upcoming hearing in Kansas abortion shooting case

Published Sunday December 20th, 2009

Roxana Hegeman, THE ASSOCIATED PRESS

WICHITA, Kan. - A judge is weighing a critical legal question in the case of a man who confessed to killing one of the few late-term abortion providers in the U.S.: Can the man claim at his trial that the slaying was justified to save the lives of unborn children?

Scott Roeder, a 51-year-old Kansas City, Missouri, man, is charged with one count of premeditated, first-degree murder in Dr. George Tiller's death and two counts of aggravated assault for allegedly threatening two ushers during the May 31 melee in the foyer of the doctor's Wichita church.

District Judge Warren Wilbert has yet to rule on a bevy of court filings that will set the course for the Jan. 11 trial, and will consider some of them in court Tuesday. But the documents offer a glimpse at the unfolding legal strategies in a case played out amid the rancorous debate over abortion.

Since the killing, Roeder has confessed to reporters that he shot Tiller, while his anti-abortion allies have urged Roeder to present the so-called "necessity defence" in hopes that an acquittal could turn the larger debate over abortion in their favour.

"I choose this action I am accused of because of the necessity defence," Roeder told The Associated Press in November. "I want to make sure that the focus is, of course, obviously on the preborn children and the necessity to defend them."

If the judge rejects that defence, Roeder and his attorneys would not be allowed to make that argument to jurors at his trial. Similar efforts to use such a strategy in cases involving abortion-related violence have generally been banned - perhaps most relevantly at the 1993 trial of an Oregon woman accused of shooting and wounding Tiller.

Roeder, who has pleaded not guilty, confessed to the shooting on Nov. 9, telling The Associated Press he has no regrets for killing Tiller and suggesting the necessity defence should be the only contested issue of his trial. Roeder declined to say when asked if he would kill another abortion provider if he were acquitted.

The so-called "necessity defence" has rarely been successfully used in abortion cases. Roeder's attorneys - while arguing that their client has a right to present his theory of defence - have so far kept their own strategy secret.

Legal experts and others close to the case have suggested his public defenders may actually be aiming at a conviction on a lesser offence such as voluntary manslaughter - defined in Kansas as "an unreasonable but honest belief that circumstances existed that justified deadly force."

That would be an easier argument to make to jurors than a necessity defence, which is unlikely to win, said Melanie Wilson, a University of Kansas law professor. A necessity defence, also known as the "choice of evils defence," requires proof that the defendant reacted to an immediate danger, an argument that is undermined by abortion's legality.

"The defendant has a right to a defence and so if he can put forth evidence that shows adequate facts to support such a defence, well then he should be allowed to do so," Wilson said. "I suspect that is what the big fight is going to be at the motions hearing."

A wild card is Roeder's close relationship with Iowa anti-abortion activist Dave Leach, who has been separately crafting a necessity defence for Roeder - including writing motions that could be used if Roeder were to represent himself. Leach said the goal is to encourage states to criminalize abortion again or at least bolster a defence that would allow activists to block clinic entrances without fear of arrest.

"My strong conviction is that this case presents an opportunity, through education of both the public and the courts, to end abortion," Leach said.

Prosecutors want to block such notions, citing a criminal trespass case involving an abortion clinic in which the Kansas Supreme Court ruled that allowing someone's personal beliefs to justify criminal activity would be "tantamount to sanctioning anarchy."

Roeder's two public defenders responded that Roeder's case differs because trespassing at an abortion clinic is just a potential temporary interruption of the practice of abortion, whereas Roeder succeeded in shutting down Tiller's clinic.

If convicted of first-degree murder, Roeder faces a life sentence with the possibility of parole after 25 years. A conviction for voluntary manslaughter for someone with as little criminal history as Roeder could bring a sentence closer to five years if the judge follows state sentencing guidelines.

Roeder's public confession notwithstanding, prosecutors have overwhelming evidence against him - chiefly the eyewitnesses who identified Roeder as the shooter during a preliminary hearing in July. Legal experts say the prosecution will likely want to keep the case limited to a straightforward murder case and avoid a discussion of abortion.

"The defence would rather have it be a trial of abortion - particularly late-term abortion - and not a trial of the killing of Dr. Tiller," said Richard Levy, a law professor at the University of Kansas. "It is often a sound defence strategy to go after the victim."

December 21, 2009

<http://www.lifenews.com/state4671.html>

Judge in killing of abortion practitioner George Tiller considering Roeder motions

by Steven Ertelt

*LifeNews.com Editor
December 21, 2009*

Wichita, KS (LifeNews.com) -- The judge who is presiding over the case involving the killing of late-term abortion practitioner George Tiller will be considering motions tomorrow. The motions come from the defense of Scott Roeder, the militia activist accused of killing Tiller at his church this summer.

District Judge Warren Wilbert has yet to rule on a request for a change of venue for the trial and another motion to allow Roeder to use a justification defense.

The defense would argue that he was justified in killing Tiller because Tiller's death would result in saving the lives of unborn children.

Roeder was not affiliated with any pro-life organizations and the pro-life movement has soundly condemned his shooting and pointed out that Tiller was close to having his medical license revoked -- which could have put him out of business legitimately.

Roeder, a 51-year-old man from Kansas City, is charged with one count of premeditated, first-degree murder in Dr. George Tiller's death and two counts of aggravated assault for allegedly threatening two people at Tiller's church on his way out of the building after the shooting.

Once Judge Wilbert issues rulings on the motions, the trial date is planned for January 11.

Since the killing, Roeder has confessed to killing Tiller.

"I choose this action I am accused of because of the necessity defense," Roeder told The Associated Press in November. "I want to make sure that the focus is, of course, obviously on the preborn children and the necessity to defend them."

But if Judge Wilbert rejects the defense, Roeder and his attorneys would be forced to rely on some other line of reasoning during the trial. Since similar trials have seen shooters' bids to use the defense rejected, it is expected that will occur with Roeder, who has pleaded not guilty.

Some observers believe Roeder's attorneys will eventually settle on a voluntary manslaughter charge request, which is defined in Kansas as "an unreasonable but honest belief that circumstances existed that justified deadly force."

Meanwhile, the AP reports that David Leach, an Iowa based activist, is preparing motions to help Roeder use the necessity defense in case he decides to represent himself in court.

Roeder faces a life sentence with the possibility of parole after 25 years if he is found guilty on the first-degree murder charge. A conviction on a charge of voluntary manslaughter for someone like Roeder, who has no criminal history, could bring a sentence of 5 years in prison, AP indicates.

Church member Gary Hoepner was the first witness called at a preliminary hearing for Roeder in July and said Roeder pointed a gun at Tiller's head and killed him.

"I wasn't sure if it was a cap gun or what," Hoepner said, noting that he wasn't certain that the assailant had a real gun to use to hurt Tiller. "I couldn't believe what I was seeing."

Hoepner said he and Tiller were discussing Tiller's fondness of doughnuts at the time he was shot.

"I've got a gun and I'll shoot you'," Hoepner recalled Roeder saying. "I believed him and I stopped."

After the incident, Hoepner told the court that he wrote down the license plate of Roeder's vehicle and informed police.

The court also heard that Roeder attended Tiller's church several times before, including the Sunday prior to the church service during which he allegedly shot the abortion practitioner.

Roeder says he is not mentally ill now, although his family members have told the media that he has suffered from mental health issues throughout his life. He was diagnosed with schizophrenia in his late teens and Roeder blames that on drug use at the time.

Tiller was one of the few abortion practitioners in the United States to do late-term abortions and he had been a subject of legal and peaceful efforts by pro-life groups at the time of the shooting.

Organizations had been working to get the state medical board to revoke Tiller's license because of allegations that some of the abortions he did violated state law but not having an independent physician certify they were necessary.

Hundreds of pro-life groups [condemned the Tiller shooting](#) immediately or in the days following, but that didn't stop abortion advocates from claiming they supported the killing or calling the majority of Americans who take a pro-life view "terrorists."

National Right to Life, a large nationwide pro-life group, said it "extends its sympathies to Dr. Tiller's family over this loss of life."

"The National Right to Life Committee unequivocally condemns any such acts of violence regardless of motivation. The pro-life movement works to protect the right to life and increase respect for human life. The unlawful use of violence is directly contrary to that goal," it said.

Meanwhile, the Obama administration has already come under fire for ignoring one tip about Scott Roeder, the alleged shooter of late-term abortion practitioner George Tiller. Now, new reports indicate the FBI also ignored a letter sent by Roeder relatives warning he may engage in a violent action. The Federal Bureau of Investigation says it received a letter more than a month before Tiller was shot and killed warning that he would harm an abortion practitioner.

FBI spokeswoman Bridget Patton [confirmed](#) to the Associated Press that Mark Archer, who is fighting with his wife for custody over a child that Roeder fathered, sent a letter detailing his concerns.

December 22, 2009

<http://www.lifenews.com/state4675.html>
Judge Rejects Scott Roeder's Necessity Defense in George Tiller Murder Trial
by Steven Ertelt

LifeNews.com Editor

December 22, 2009

Wichita, KS (LifeNews.com) -- A judge ruled today that Kansas law does not allow a man accused of killing late-term abortion practitioner George Tiller to use a necessity defense. Scott Roeder hoped to be able to tell the court that he killed Tiller because his death was necessary to save the lives of unborn children.

But Judge Warren Wilbert denied that line of defense for the man who has no affiliation with any pro-life groups and who has confessed in media interviews to killing Tiller.

According to an AP report, Judge Wilbert cited a 1993 criminal trespassing case involving an abortion center as his reason for turning back the defense argument. In the case, the Kansas Supreme Court said state law allows no room for personal beliefs to allow unlawful activities.

The state court's ruling said allowing it would "not only lead to chaos but would be tantamount to sanctioning anarchy."

Judge Wilbert did note that Roeder's case involves taking a life and not merely the destruction of property or misdemeanor crimes, but AP noted him saying he didn't want to make that kind of assessment.

"That is certainly not a position I want to be in — because I am not God," Wilbert said.

Despite the ruling, the judge told Roeder's defense attorneys he would "leave the door open" to consider whether to allow evidence based on the legitimate use of force for the defense of another person before allowing the jury to hear it.

"That doesn't mean it is wide open ... we can discuss it," Wilbert said, according to AP.

Judge Wilbert also rejected a change of venue request and a defense motion that would have prevented prosecutors from striking jurors based on their abortion views. The judge said he would take disputes over jurors on a person-by-person basis.

Now that the judge has issued the rulings, a trial date is set for January 11.

Roeder was not affiliated with any pro-life organizations and the pro-life movement has soundly condemned his shooting and pointed out that Tiller was close to having his medical license revoked -- which could have put him out of business legitimately.

Roeder, a 51-year-old man from Kansas City, is charged with one count of premeditated, first-degree murder in Dr. George Tiller's death and two counts of aggravated assault for allegedly threatening two people at Tiller's church on his way out of the building after the shooting.

Since the killing, Roeder has confessed to killing Tiller.

"I choose this action I am accused of because of the necessity defense," Roeder told The Associated

Press in November. "I want to make sure that the focus is, of course, obviously on the preborn children and the necessity to defend them."

Now that the defense has been rejected, Roeder and his attorneys will be forced to rely on some other line of reasoning during the trial. Similar trials have seen shooters' bids to use the defense rejected.

Some observers believe Roeder's attorneys will eventually settle on a voluntary manslaughter charge request, which is defined in Kansas as "an unreasonable but honest belief that circumstances existed that justified deadly force."

Meanwhile, the AP reports that David Leach, an Iowa based activist, is preparing motions to help Roeder use the necessity defense in case he decides to represent himself in court.

Roeder faces a life sentence with the possibility of parole after 25 years if he is found guilty on the first-degree murder charge. A conviction on a charge of voluntary manslaughter for someone like Roeder, who has no criminal history, could bring a sentence of 5 years in prison, AP indicates.

Yahoo News, December 22, 2009

Judge rejects defense motions in abortion case *By ROXANA HEGEMAN, Associated Press Writer Roxana Hegeman, Associated Press Writer 7 mins ago*

WICHITA, Kan. – A judge on Tuesday dealt setbacks to the defense of a man accused of killing an abortion provider, rejecting a change of venue request and a motion that would have kept prosecutors from making peremptory jury strikes based on potential jurors' beliefs about abortion.

While the judge denied a defense motion to prohibit the strikes, he said he would deal with such issues on a person-by-person basis during Scott Roeder's trial. Minutes earlier, he denied a defense motion to move the case out of Wichita, where pre-trial publicity has been intense.

Roeder, 51, of Kansas City, Mo., is charged with one count of premeditated, first-degree murder in Dr. George Tiller's death and two counts of aggravated assault for allegedly threatening two ushers during the May 31 melee in the foyer of the doctor's Wichita church.

District Judge Warren Wilbert was to rule later Tuesday on a motion to allow Roeder to pursue a so-called "necessity defense." Roeder, who has publicly confessed to shooting Tiller, wants to claim at his trial that the slaying was justified to save the lives of unborn children.

If the judge rejects that defense, Roeder and his attorneys would not be allowed to make that argument to jurors. Similar efforts to use such a strategy in cases involving abortion-related violence have generally been banned, including at the 1993 trial of an Oregon woman accused of shooting and wounding Tiller.

Roeder, who has pleaded not guilty, confessed to the shooting on Nov. 9, telling The Associated Press he had no regrets about killing Tiller and suggesting the necessity defense should be the only contested issue at his trial. He declined to say when asked if he would kill another abortion provider if he were acquitted.

The "necessity defense" has rarely been used successfully in abortion cases. Roeder's attorneys — while arguing that their client has a right to present his theory of defense — have so far kept their own strategy secret.

Prosecutors have overwhelming evidence against Roeder, chiefly the witnesses who identified him during a July preliminary hearing as the shooter. Legal experts have said prosecutors likely will want to keep the trial limited to a straightforward murder case and avoid a discussion of abortion.

December 23, 2009

http://www.ksn.com/news/local/story/Roeder-will-be-tried-in-Sedgwick-Co/tlzRAUFbkUK_0Izym6MRXA.csp

WICHITA, Kansas – The man accused of killing Dr. George Tiller will go to trial in Sedgwick County next month. It comes after a judge ruled in favor of the prosecution on several key motions Tuesday.

A shackled and stoic Scott Roeder entered the courtroom before his attorneys argued there would be no way their client could receive a fair trial in Sedgwick County.

"We've had the local paper, the only paper in town, headlines screaming that Mr. Roeder has confessed to this crime," said Mark Rudy, defense attorney.

But District Attorney Nola Foulston said Roeder has invited the publicity into the case by repeatedly talking to reporters. She also told Judge Warren Wilbert the prosecution has history on its side.

"From my longevity in prosecuting cases in this jurisdiction, we've not had a change of venue, particularly in large and potent cases, for example State vs. Carr," Foulston argued.

The judge agreed, saying the case will be tried in Sedgwick County. He also ruled that potential jurors' abortion views could prevent them from serving if such views would keep them from being fair and impartial.

"People's beliefs have always been a basis to excuse them," said Assistant District Attorney Ann Swegle. "In death penalty cases, those jurors who say they can't impose the death penalty, if that's what the law requires, can be excused."

Judge Wilbert also favored the prosecution's request that Roeder not be allowed to use the so-called 'necessity defense'. Roeder has claimed killing Dr. Tiller was necessary to save the lives of unborn babies. It's a defense that has never been allowed in a U.S. court.

"The defendant in this case has filed a 100-page brief, which even in that brief he acknowledges that across the United States, that this necessity defense has been denied 100,000 plus times," said Assistant District Attorney Kim Parker.

Jury selection in Roeder's trial is scheduled to begin January 11th.

December 23, 2009

Judge disallows 'necessity defense' in Tiller case

Judge Warren Wilbert also says the murder trial of Scott Roeder will stay in Wichita.

BY RON SYLVESTER

The Wichita Eagle



Mike Hutmacher/The Wichita Eagle

Scott Roeder listens as defense attorney Mark Rudy speaks during his pretrial motions Tuesday, Dec. 22, 2009, in Sedgwick County District Court in Wichita, Kan. Roeder, 51, is charged with first degree premeditated murder in the May 31 shooting death of Wichita abortion doctor George Tiller in the lobby of his Wichita church, where the doctor was serving as an usher.

- [Gallery: Judge disallows 'necessity defense' in Tiller case](#)
- [Scott Roeder's lawyers fight for necessity defense in Tiller death](#)
- [Letter to FBI called Roeder a danger to abortion providers](#)
- [Suspect in George Tiller murder confesses: experts doubt defense](#)
- [Roeder's attorneys want his trial moved](#)

What's Next?

- * Jan. 11 — Scott Roeder's trial is set to begin with jury selection. Lawyers expect to take at least a week to pick a jury.
- * Jan. 18 — No court: Martin Luther King Jr. Day
- * Jan. 19 — The trial resumes. Following jury selection, evidence and testimony begins. That portion of the trial is expected to last two weeks.

A Sedgwick County district judge ruled Tuesday that Scott Roeder's murder trial will stay in Wichita, and he limited how Roeder can defend himself.

Judge Warren Wilbert ruled Roeder could not use the so-called "necessity defense" in the killing of Wichita abortion provider George Tiller last May.

But the judge said he would "leave the door open" for Roeder's defense to present evidence and arguments that he killed in the belief that he was saving the lives of the unborn.

That may enable Roeder's public defenders to ask jurors to consider crimes less severe than first-degree premeditated murder. Kansas law, for example, defines voluntary manslaughter as the "unreasonable but honest belief that circumstances existed that justified deadly force."

A conviction of voluntary manslaughter could carry a sentence of between four to six years in prison for Roeder, compared with life imprisonment for murder.

But those issues probably won't be decided until the judge gives legal instructions to the jury — after evidence is presented and before they hear closing arguments and begin deliberations.

Wilbert said he may limit what the defense can say in opening statements. Wilbert also said it would be difficult to allow testimony indicating Roeder was acting in defense of others because the law requires an "imminent threat."

Tiller was shot and killed May 31 inside the lobby of his church, where he was serving as an usher.

Voluntary manslaughter is considered an "imperfect self-defense," said prosecutor Kim Parker. Parker said such a defense "must be based on the reality of circumstances surrounding the intentional killing and not on a psychotic delusion."

Public defender Mark Rudy told the judge that prosecutors were trying to "muzzle" the defense.

"It has the effect of handcuffing and gagging us at the same time," Rudy said.

Wilbert said he would not allow Roeder to use what has been called a "necessity defense," where a defendant claims he or she broke the law to prevent another from causing greater harm.

Roeder has said he killed Tiller to save the lives of fetuses being aborted.

Wilbert said the necessity defense is not recognized under Kansas law. But even under common law interpretations, Wilbert added, the act would have to stop someone else from committing a crime.

That wasn't the case with Tiller, Wilbert said, because abortions are legal.

"I recognize we could all have our own individual personal views, religious views, moral and ethical views," Wilbert said in his ruling. "But the United States Supreme Court has come down many, many years ago in *Roe v. Wade* that an abortion is a legal and constitutionally protected decision by the mother and... by health care providers."

Kansas appeals courts have ruled the necessity defense unacceptable in cases involving trespassing on abortion clinics.

If it's not a viable defense in misdemeanor property cases, Wilbert ruled, it wouldn't apply to felonies such as murder.

Wilbert also denied a motion to move the trial outside Sedgwick County, based on defense claims that news coverage had made it impossible for Roeder to receive a fair trial.

It is too soon to say an impartial jury cannot be picked, Wilbert ruled, until lawyers start

questioning potential jurors when the trial starts Jan. 11.

Some 300 people are being summoned to the courthouse for the trial. Between 150 and 200 are expected to respond, Wilbert said.

Initial questioning will allow some to be excused for legal reasons, whittling the final pool to 42. From that group, lawyers will pick 14: the dozen jurors who will decide the case and two alternates.

Reach Ron Sylvester at 316-268-6514 or rsylvester@wichitaeagle.com.

Posted on Wed, Jan. 06, 2010

Roeder's defense team subpoenas Kline

BY
The Wichita Eagle

RON

SYLVESTER

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Although Phill Kline condemned violence, he may not be able to avoid being linked to the killing of the abortion provider he pursued as Kansas attorney general.

Scott Roeder's public defender said Tuesday that he has subpoenaed Kline to testify at the trial scheduled next week in the killing of George Tiller.

Lawyer Mark Rudy said the defense would ask Kline to testify about his attempts to prosecute Tiller.

"We want him to talk about the factual basis of where his investigation led and how that information was disseminated to the public, including Mr. Roeder," Rudy said.

Kline said he would not be testifying voluntarily.

"I have received a subpoena by mail and will comply with my legal obligation to appear," Kline said in a statement. "I still believe in the rule of law, whereas Mr. Roeder has allegedly decided to take the law into his own hands. I have always condemned any act of violence toward Dr. Tiller."

Roeder has publicly acknowledged shooting Tiller. But his defense could use Kline's testimony to try to show that Roeder was driven by a belief that he was stopping illegal abortions.

Rudy would not elaborate on what role Kline's testimony would play in Roeder's defense.

Such evidence could be used to allow the defense to ask jurors to consider a charge less severe than first-degree murder.

Those charges may include voluntary manslaughter, defined by Kansas law as the "unreasonable but honest belief that circumstances existed that justified deadly force."

Roeder has said he shot Tiller to protect the lives of fetuses.

A conviction of voluntary manslaughter could send Roeder to prison for four to six years,

compared to a life sentence for murder.

Tiller's lawyers had said before his shooting last May that Kline's four-year investigation into the doctor's late-term abortion practices served to enflame the emotions of abortion opponents. The lawyers feared for Tiller's safety, and their own, before he was shot dead in the lobby of his church the morning of May 31.

While abortion opponents joined Kline in quickly condemning Tiller's killing, some groups also claimed injustice when a jury found the doctor not guilty of criminal charges two months before his death.

Tiller was acquitted of 19 misdemeanor charges relating to financial arrangements in performing late-term abortions in a case brought by Steve Six, the current state attorney general.

Barry Disney, who prosecuted that case, also has received a subpoena from Roeder's defense, Six's office said Tuesday.

Kline began investigating Tiller three months after taking office as attorney general in 2003.

Two months after losing re-election in November 2006, and three weeks before leaving office, Kline filed criminal charges claiming that Tiller broke the law in providing late-term abortions.

A Sedgwick County judge dismissed the charges, saying that Kline didn't have authority to prosecute cases here without the permission of District Attorney Nola Foulston.

Foulston is leading Roeder's prosecution.

KWCH TV: Roeder Motion Hearing, 12/22/2009

Thanks for joining us for today's coverage of Scott Roeder's motion hearing.

Motions are set for 9:00 a.m. They include a change of venue motion, and Roeder has said he wants the right to use the "necessity defense" for trial strategy. He's told the media he killed Wichita late-term abortion provider Dr. George Tiller because he wanted to protect unborn children. This should be a one-day hearing.

Prosecutors have already told me they don't want abortion mentioned at all in Roeder's trial. They want to stick to the facts of the day Tiller died.

Tuesday December 22, 2009 8:48

[Comment From WichitanWichitan:]

What is security like. I heard ATF swept the courtroom.

Tuesday December 22, 2009 9:05 Wichitan

Security is pretty tight. Besides the standard security and metal detectors downstairs, there is another round of security checks just before you get into the courtroom.

Yes, officials have swept the courtroom, but I don't know if that consisted of the Sedgwick County Sheriff or if they have extra assistance today. I do know they just took sniffer dogs through the courtroom for a quick check.

Tuesday December 22, 2009 9:05

Originally, there was supposed to be a parole violation hearing in an unrelated case before Roeder's motion hearing got started.

Looks like that's been continued to another date.

Still waiting for the motion hearing to begin.

Tuesday December 22, 2009 9:09

Prosecutors are in the courtroom, but Roeder and his defense team aren't yet.

Probably still a few minutes before we'll get going.

Tuesday December 22, 2009 9:11

So everyone knows, courtroom security requires us to disconnect our feed during breaks.

If you click on our streaming video feed and see nothing, there's a good chance court's just not in session at that particular moment.

Tuesday December 22, 2009 9:17 Roeder's defense attorneys are now in the courtroom, but he hasn't been escorted in yet.

Tuesday December 22, 2009 9:17 Prosecution team from the Sedgwick County District Attorney's Office: DA Nola Foulston, Kim Parker, and Ann Swegle.

Defense team from the Sedgwick County Public Defender's Office: Chief Public Defender Steve Osburn and Mark Rudy.

Tuesday December 22, 2009 9:21

[Comment From RickRick:]

Has Roeder been in the Sedgwick Co. jail all this time?

Tuesday December 22, 2009 9:30 Rick

Yes, Roeder has been held on \$20 million bond.

Tuesday December 22, 2009 9:30

Roeder is being led into the courtroom right now. He's wearing a black suit and tie. He and Osburn exchange a very brief conversation before the judge enters the courtroom.

Tuesday December 22, 2009 9:32

Sounds like the first motion will be from the defense (there are five motions total for today).

The defense wants to make sure Roeder's criminal history isn't brought up at trial.

Tuesday December 22, 2009 9:33

Mark Rudy begins talking about all of the publicity surrounding the case and why Roeder should be granted a change of venue.

Rudy points out the significant amount of media coverage this case has received and introduces front pages of the Wichita Eagle.

Rudy says Dr. George Tiller was a controversial and well-known figure in Wichita before he was killed, and his death is set against the background of abortion.

Rudy says in the last month, anyone could see the Eagle headlines "screaming about his

confession" to killing Dr. Tiller.

Rudy: "It is unfathomable to think that someone could say, 'Despite everything I've heard about his background and his confession, I can walk into this courtroom and be impartial.'"

Rudy: "It's right to move this case to an area where people haven't been inundated with the barrage of media coverage."

Tuesday December 22, 2009 9:43 9:44 I did a preview of this hearing yesterday. Judges who've worked for Sedgwick County for decades say they can't remember a single case where the judge allowed the trial to leave Wichita.

Tuesday December 22, 2009 9:44

9:47 We have live video up on our website. Last I checked, it was working.

You can click on the link at the top of this page to see the video.

9:50 District Attorney Nola Foulston is making her argument.

She says in a community of around 500,000, court officials will be able to find 12 impartial jurors.

Foulston says past court precedents show that media coverage alone shouldn't be the sole reason to move a trial.

She says the reason to consider is whether attorneys can empanel a jury, and we won't be able to say that's impossible until January when trial begins.

Tuesday December 22, 2009 9:47

9:51 Foulston also points out a significant amount of the continuing coverage on Roeder has been due to him meeting with and calling reporters.

Tuesday December 22, 2009 9:51

9:53 [Comment From GuestGuest:]

If the trial left Wichita, where would it be held?

Tuesday December 22, 2009 9:53 Guest 9:54 Good question. If the motion was granted, defense attorneys would like look for a comparable-sized county to Sedgwick. They also probably wouldn't want a county in the same viewing area as Wichita TV stations.

Hard to say. Maybe Johnson County in KCK? It's a moot point until the judge's decision.

9:56 Rudy again mentions Foulston's public comments that Roeder's actions amounted to an act of terrorism.

Rudy calls terrorism the "boogey-man word" that would further influence potential jurors.

Tuesday December 22, 2009 9:54 Tuesday December 22, 2009 9:56 Looks like Judge Warren Wilbert is going to deny the change of venue. Hasn't ruled yet, but his words are leading to it.

Tuesday December 22, 2009 9:58 Judge Wilbert says 300 summons have been sent out with the hopes of receiving 150 responses from potential jurors.

He says he feels like a sufficient number of individuals have been summoned and an attempt should be made to try the case in Sedgwick County.

He also says the court will closely monitor jury questionnaires to see if there are over-riding prejudices.

Judge Wilbert denies the change of venue motion, but says he will keep an open mind. He says it would be premature to move the trial before attorneys even tried to set a jury.

Tuesday December 22, 2009 10:02 Defense attorneys are now arguing a jury selection motion.

Defense attorneys say that jurors' opinions on the issue of abortion should be revealed, and beliefs shouldn't have any bearing on whether they're allowed to stay in the jury pool.

Defense attorneys are citing a previous court case where jurors were protected from being removed from the jury pool based on race. Mark Rudy is arguing that precedent should be extended out to a person's opinions on abortion.

Tuesday December 22, 2009 10:13

Prosecutor Ann Swegle is arguing that protecting a juror based on race is one thing, but it's a jump to protect them based on beliefs.

Swegle points out potential jurors are dismissed all the time for capital murder trials based on their beliefs regarding the death penalty.

Sounds like Judge Wilbert will deny this motion as well.

He says it'd be hard to even establish the parameters of whether a juror should be protected based on their abortion beliefs.

"I've heard people who are openly pro-life regarding abortion who've condemned Dr. Tiller's murder," says Judge Wilbert.

He also says until we're actually engaged in the process, we won't be able to know if there's an issue here.

Tuesday December 22, 2009 10:17 Judge Wilbert officially says he denies the jury selection motion.

Tuesday December 22, 2009 10:21 And here comes perhaps the biggest motion of the day...the prosecution motion asking the judge to limit any "necessity defense" argument or defense trial strategy.

Tuesday December 22, 2009 10:24 Prosecutor Kim Parker says the necessity defense isn't a recognized defense in Kansas.

Roeder has told the media he killed Dr. Tiller because he was trying to protect unborn children.

Parker cites a 1993 Kansas Supreme Court case involving someone who trespassed on Tiller's property.

The defendant tried to use the necessity defense, and the Supreme Court ruled that allowing that trial strategy would be "tantamount to sanctioning anarchy."

Parker says research shows the necessity defense in any kind of criminal case has been rejected more than 100,000 times nationwide.

Tuesday December 22, 2009 10:29 Parker says there is "no logical reason to parade the defendant's beliefs on abortion in front of a jury to distract them from the facts of the case."

This is a point Parker made to me during Roeder's preliminary hearing. Prosecutors want jurors to only be thinking about the facts of the shooting that killed Dr. Tiller. Abortion is a controversial, murky issue they don't want jurors thinking about.

Prosecutors want jurors to think about a defendant who pulled a trigger and killed another human being, nothing else.

Tuesday December 22, 2009 10:33 Parker also says the prosecution will be opposed to any defense that proposes a possible conviction for voluntary manslaughter.

Roeder is charged with first degree murder, which would carry a life sentence with the possibility of parole in 25 years. Voluntary manslaughter would carry far less time in prison.

Tuesday December 22, 2009 10:40 Counsel has approached the bench...which means we had to cut our audio feed.

That's why you can't hear anything right now.

Tuesday December 22, 2009 10:42 Court is into the morning recess. Court will be back in session at 11:00.

That's when we'll likely hear the defense's argument their trial strategy shouldn't be limited.

Tuesday December 22, 2009 10:44 Sounds like there's a decent chance this hearing will be done before noon.

Court is back in session. We've already heard two of five motions, and we're well into the third.

If I remember correctly, the two remaining motions aren't the kind that'll draw lengthy arguments.

We'll see.

Tuesday December 22, 2009 11:04 Defense attorneys are basically saying they've never come out and said they want to use the necessity defense (Roeder has, but attorneys haven't).

Mark Rudy says it's unreasonable for prosecutors to ask the judge to order the defense to limit its strategy so significantly.

Rudy says to order the defense to hold back evidence or strategy before they've even presented it "is effectively handcuffing and gagging us at the same time."

Tuesday December 22, 2009 11:07 Judge Wilbert is making his ruling. He starts by saying the basic issue is...whatever defense is presented must be recognized by the law.

Tuesday December 22, 2009 11:13 Judge Wilbert says Scott Roeder's confession to the media that he killed Dr. Tiller to protect unborn children was a "defense of others" argument in Roeder's mind.

Judge Wilbert says he's researched "defense of others," and he's prepared to make a ruling on a possible necessity defense.

However, the judge is giving defense attorneys the opportunity to do more research if they want before he rules.

Tuesday December 22, 2009 11:16 Judge Wilbert says the primary precedent regarding the necessity defense in Kansas is the City of Wichita vs. Tilson in 1993. This is the case where the Kansas Supreme Court denied the necessity defense saying it was "tantamount to sanctioning anarchy" (the same case prosecutors cited).

Doesn't sound good so far for Roeder's hope to use necessity defense.

Tuesday December 22, 2009 11:19 Judge Wilbert reads from the 1993 ruling. It says that it's clear that whatever evil or harm the defendant was trying to prevent must be a legal harm, not a moral or ethical belief.

Judge Wilbert has already talked about how the law makes it clear abortion is legal.

Again, sounds very likely Judge Wilbert's about to announce he won't allow the necessity defense as a trial strategy.

Tuesday December 22, 2009 11:25 Judge Wilbert continues to read from previous rulings.

"Some people will be compelled to break the law based on their beliefs, but they must be prepared to face the consequences."

Tuesday December 22, 2009 11:31 Judge Wilbert says, "Now, that was a ruling set against the backdrop of a question over property rights vs. abortion."

The Tilson case involved trespassing on Dr. Tiller's property in 1993.

"We've now elevated that to taking a life to save a life in abortion?" says Wilbert.

Tuesday December 22, 2009 11:35 Judge Wilbert now goes into the self-defense theory. He says it's clear this isn't a case of self defense, but the defendant's perceived defense of another.

There was no imminent threat as Dr. Tiller served as an usher at his church.

Tuesday December 22, 2009 11:36 Okay, I'm back.

Just before the noon hour, Judge Wilbert announced he wasn't making an official ruling on the prosecution motion to ban the necessity defense at trial.

However, he did say, "I think I've made it pretty clear I don't consider it a viable option for this case."

Tuesday December 22, 2009 12:06 What does that do here?

This is a little less than what prosecutors were likely hoping for. They hoped for a straight ban of the necessity strategy at Roeder's trial.

The judge said he'd try to keep an open mind, but coming out and saying he doesn't consider it a viable option doesn't leave much of a crack in the door.

Tuesday December 22, 2009 12:07 Court is done for the day. Judge Wilbert and attorneys were able to wrap up all of the motions before the lunch break.

Thanks for joining me for this morning's coverage of the Roeder motion hearings. We'll have stories tonight on Eyewitness News at 5:00, 6:00, and 10:00.



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Former Kansas Attorney General Phill Kline subpoenaed for Roeder trial

By JUDY L. THOMAS
The Kansas City Star

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Former Kansas Attorney General Phill Kline has been subpoenaed to testify at the trial of the man charged with killing Wichita abortion provider George Tiller.

The subpoena was issued by the defense team of Scott Roeder, whose trial is scheduled to begin Monday in Wichita. Roeder, 51, of Kansas City, is charged with first-degree murder in the May 31 shooting death of Tiller inside his church and two counts of aggravated assault for allegedly threatening two ushers.

"I have received a subpoena and will comply with my legal obligation to appear," Kline said in an e-mail message to The Kansas City Star. "I believe in the rule of law, whereas Mr. Roeder has allegedly decided to take the law into his own hands. I have always condemned any act of violence against Dr. Tiller and still do."

The subpoena comes amid speculation that Roeder will attempt to use a “defense of others” argument at his trial, saying that he killed Tiller to protect the lives of “preborn babies.” Under Kansas law, deadly force is justified to defend someone against the “imminent use of unlawful force.”

At a Dec. 22 hearing, Sedgwick County District Judge Warren Wilbert barred Roeder from presenting a so-called necessity defense and said it wasn’t recognized under Kansas law. The judge said he would consider whether to allow the jury to hear a “defense of others” argument. A hearing is scheduled for Friday.

Roeder said in a phone interview Monday from the Sedgwick County Jail that he could not discuss his defense strategy. But in July, Roeder said that according to Kansas statute, a homicide could be justified if committed in the defense of self and others. But he said his lawyer had told him that such a defense could be a problem because “the party lethal force is used against has to be engaged in unlawful activity,” and abortion is legal.

Abortion opponents for years have accused Tiller of performing illegal late-term abortions. Kline, one of Tiller’s most vocal critics, launched an investigation of Tiller while attorney general, filing 30 criminal charges against him in late 2006. Those charges, however, were dismissed on jurisdictional grounds by a Sedgwick County judge who said Kline needed District Attorney Nola Foulston’s permission to prosecute cases in that county. Foulston is the prosecutor in Roeder’s case.

In 2007, Kline’s successor, Paul Morrison, filed 19 misdemeanor charges against Tiller, accusing him of having an illegal financial relationship with a physician who authorized late-term abortions that Tiller performed. Tiller was acquitted of all charges at a jury trial in March, but some abortion foes — including Roeder — said that the trial was “a sham.”

Barry Disney, a deputy attorney general who prosecuted the recent case against Tiller, also received a subpoena from Roeder’s defense this week. Ashley Anstaett, spokeswoman for Attorney General Steve Six, said Wednesday that the office was “evaluating” whether to seek to quash the subpoena.

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