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Interim Hearing on "Bombing of Family Planning and Abortion Clinics"

Senate Committee on Health and Human Services

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CALIFORNIA LEGISLATURE
SENATE COMMITTEE ON
HEALTH AND HUMAN SERVICES
SENATOR DIANE WATSON, CHAIRPERSON

Interim hearing on
**“BOMBING OF FAMILY PLANNING
AND ABORTION CLINICS”**

STATE OFFICE BUILDING
AUDITORIUM, ROOM 1138
107 SOUTH BROADWAY
LOS ANGELES, CALIFORNIA
MONDAY, DECEMBER 16, 1985
10:00 A.M.

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HEARING
SENATE COMMITTEE
on

HEALTH AND HUMAN SERVICES

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In the Matter of:)
)
"BOMBING OF FAMILY PLANNING)
AND ABORTION CLINICS")

STATE OFFICE BUILDING
AUDITORIUM, ROOM 1138
107 SOUTH BROADWAY
LOS ANGELES, CALIFORNIA

Monday, December 16, 1985
10:00 A.M.

MEMBERS

DIANE WATSON
CHAIRPERSON

KEN MADDY
VICE CHAIRMAN

WILLIAM CAMPBELL
PAUL CARPENTER
DAN MCCORQUODALE
HENRY MELLO
JOSEPH MONTOYA
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JOYCE ISERI
JOHN MILLER

GERI LADUKE
COMMITTEE SECRETARY

California Legislature

Senate Committee

on

Health and Human Services

"BOMBING OF FAMILY PLANNING AND ABORTION CLINICS"

107 S. Broadway
Auditorium
Room 1138
Los Angeles
10:00 a.m. - noon

December 16, 1985

A G E N D A

Mary Curtius	Pro-Life Political Action Committee of Orange County
Susan McMillan	Right to Life League of Southern California
Georgia Mercer	Planned Parenthood - World Population
Carol Downer	Federation of Feminist Women's Health Centers
Dr. Rodney Sidney Brooks	The Baptist Tabernacle
Jo Ellen Passman	California Abortion Rights Action League
Kathleen Hodge	Clinic Defense for Orange County
Carol Roberts, Ph.D.	Birth Control Institute, Inc.
Margie Fites Seigle	Planned Parenthood/Orange County
Alexandra Mendelsohn	Planned Parenthood/Shasta-Diablo
Barbara Raboy	Oakland Feminist Women's Health Center
Naomi Keller	Planned Parenthood Affiliates of California
J. Richard Olivas	(individual)

#

MEMBERS PRESENT

Chairperson Diane Watson

Senator Paul Carpenter

Senator Herschel Rosenthal

Senator Dan McCorquodale

STAFF PRESENT

Jane Uitti, Consultant

Geri LaDuke, Committee Secretary

Ruth Liberman, Senate Fellow

PUBLIC

Mary Curtius, Pro-Life Political Action Committee

Susan McMillan, Right to Life League of Southern California

Georgia Mercer, Planned Parenthood - World Population

Carol Downer, Federation of Feminist Women's Health Centers

Dr. Rodney Sidney . Brooks, The Baptist Tabernacle

Jo Ellen Passman, California Abortion Rights Action League

Kathleen Hodge, Clinic Defense for Orange County

Carol Roberts, Ph.D., Birth Control Institute, Inc.

Margie Fites Seigle, Planned Parenthood - Orange County

Alexandra Mendelsohn, Planned Parenthood - Shasta/Diablo

Edith Berg, Women's Choice Clinic of Southern California

J. Richard Olivas, Individual

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1 CHAIRPERSON WATSON: I'd like to call the hearing
2 of the Health and Human Services Committee together, and
3 introduce on my right, your left, Senator Herschel Rosenthal
4 and thank him for coming; and on my left, your right, Senator
5 Paul Carpenter who has just returned from a trip to Australia
6 and New Zealand. I think you can tell that by his new appear-
7 ance.

8 We'd like to welcome Ruthie Lieberman, who is our
9 new Senate Fellow, who has been with us a few weeks, and we'd
10 like to also introduce to you our consultant with Health and
11 Human Services, Jane Uitti, who has been responsible for
12 putting the agenda together and getting you all here.

13 Now, our hearing today is divided into two segments.
14 The morning segment will be devoted to examining the bombing
15 of family-planning and abortion clinics. This is a big issue
16 with us. I carried a piece of legislation that many of you
17 will be familiar with, SB 558, that would set into Statute
18 a prohibition, and as we want to talk to that issue this
19 morning, then in the afternoon, we will talk about issues
20 relative to the disease AIDS.

21 We're going to stick to the agenda and move it as
22 quickly as possible. It's going to be a full day. I would
23 ask those who are coming up to testify, if you will listen
24 very closely to the testimony, so we do not have repeated
25 testimony. If you have a long written script, I would
26 appreciate it if you would give us copies and try to summarize.

27 So, I want to welcome you all to this hearing, and
28 ask for your cooperation.

1 Now, I've called today's hearing in response to
2 the alarming increase in acts of terrorism directed towards
3 abortion and family-planning clinics in California and the
4 rest of the country. The number of violent attacks and
5 threats to clinics in the two-year period between 1982 and
6 '84 has increased more than a frightening 400 percent.

7 An increase of this magnitude in the rate of any
8 other crime would not be tolerated without public outcry and
9 a gigantic law enforcement response. Yet, we know very little
10 about the people who promote such violent acts or how to
11 prevent them from occurring. In fact, organizations tell
12 us that they are told by various law enforcement entities
13 that investigating the bombings is out of their jurisdiction.

14 Therefore, it seems that there is some ambiguities
15 about law enforcement responsibility that will need to be
16 addressed.

17 Over the past two years, many family-planning
18 administrators have approached me with concerns for their
19 patient's safety, with concern for the safety of their staff,
20 families, and themselves. They also express concern over
21 their inability to find insurance carriers who will insure
22 their clinics at any cost.

23 Last year, I attempted to respond to this clinic
24 violence by authoring Senate Bill 558, which allows the
25 Governor to offer rewards for information leading to the arrest
26 and the conviction of those who resort to violence in voicing
27 their beliefs on abortion. SB 558, which is now law, also
28 makes it a felony to terrorize abortion clinics through arson

1 or explosives.

2 SB 558 is only the beginning. We're now learning
3 that there seems to be no centralized reporting authority
4 for these attacks, and there is very little data available
5 about the status of bombing and arson enforcement in
6 California. In addition to rewards and penalties, we need
7 to create a uniform method for reporting these violent and
8 illegal attacks on abortion clinics. At the same time, we
9 must resolve any questions over whose responsibility it is
10 to investigate these crimes and prosecute these violent
11 offenders.

12 The time has come for federal and state enforcement
13 agencies to take action in determining why abortion and family
14 clinics in California have been attacked by arson, Molotov
15 cocktails, and firebombs at least eight times since January
16 of this year. The number of threats and obstructive protest
17 is even greater. According to a recent Harris poll, 27 percent
18 of the American population believes that the recent attacks
19 on abortion clinics amount to a campaign of terrorism.

20 The time has arrived to treat terrorism at home
21 with the same concern as terrorism abroad. The FBI has refused
22 to investigate these bombings on the grounds that no evidence
23 exists to prove that these acts constitute terrorism or result
24 from conspiracy to violate anyone's Civil Rights.

25 The time has arrived to demand that the FBI stop
26 playing with semantics about constituent's terrorism and start
27 giving priority to the investigation of abortion and family-
28 planning clinic attacks.

1 Up until this time, bricks and plaster have been
2 the targets of pro-life violence. Two weeks ago in Portland,
3 four letter bombs were mailed. All were capable of killing
4 employees who opened them in their offices. Luckily, all
5 were intercepted before anyone was hurt. Today, we ask that
6 everyone of good conscience, including those who oppose legal
7 abortion and intimidation of clinics and of the patients and
8 clients who go there for service, listen closely and give
9 us the best of your thinking. I don't think there's anyone
10 in this room who supports the bombing of any kind of facility
11 let alone the bombing of facilities where our daughters, our
12 mothers, our sisters, and our aunts go to get the help they
13 need.

14 So, in that vein, we're here to talk about the issue,
15 and I would ask that you stick close to the topic.

16 I'd like to call up first Mary Curtius, who is from
17 the Pro-Life Political Action Committee of Orange County.

18 MS. CURTIUS: Good morning.

19 I'd like to thank the Committee, Senator Watson
20 and in particular Senator Carpenter, for giving me this
21 opportunity to address the topic of abortion clinic bombings.

22 My name is Mary Curtius, and I'm Chairman of the
23 Pro-Life Political Action Committee of Orange County. I have
24 been involved in many areas of pro-life activity over the
25 last ten years including service and counseling, speakers
26 bureau, and political action. Therefore, I believe I can
27 speak I can speak truthfully, not only for my own organization,
28 but about other county, state and national groups in the pro-

1 life movement as well. I might point out that in those ten
2 years, I have yet to meet a pro-life activist advocating
3 violence of any sort.

4 The pro-life movement has an absolute commitment
5 to non-violence. Clinic bombings and other forms of violent
6 activity has been unequivocally condemned by the National Right
7 to Life Committee. We abhor violence in the womb and every-
8 where, and we are striving to change laws, educate the public,
9 and assist women.

10 I find myself increasingly disturbed, however, by
11 the venomous name calling sometimes being exchanged between
12 both sides. There is an atmosphere of hostility, resulting
13 in accusations, circulation of disinformation, and the smearing
14 of one side of the other.

15 The Senate Committee should be aware of the violence
16 experienced by our own pro-life counseling centers also. For
17 example, eight incidences of vandalism at the Huntington
18 Beach Life Center this year and arson at the Walnut Creek
19 Life Center. Volunteers at our centers are fearful of those
20 bent on misdirected retaliation.

21 I am also concerned about both pro-life picketers
22 and peaceful sidewalk counselors who offer information,
23 counseling, and material assistance to the women approaching
24 an abortion facility. I have seen the verbal and physical
25 abuse to which they are sometimes subjected.

26 Clinic bombings cannot be used as an excuse to dis-
27 credit and restrict sidewalk counselors. Their first amendment
28 rights to freedom of speech and association cannot be curtailed

1 due to the fanatic acts of a few criminals. I might also
2 point out that some clinic bombers have been identified as
3 not being pro-lifers, as in San Diego. Also, the FBI has
4 stated repeatedly that these attacks are not part of a
5 conspiracy.

6 Pro-lifers are exercising the very same first
7 amendment rights which were utilized by Civil Rights activists,
8 anti-war protesters, anti-Apartheid demonstrators, and other
9 groups. The state should not engage itself in a witch hunt
10 through legislation of unclear intent resulting in the
11 violation of the constitutional rights of legitimate pro-life
12 supporters.

13 In closing, I would like to reiterate that violence
14 is inconsistent with the pro-life ethic and contrary to our
15 vigorous but peaceful resistance to unjust laws. We will
16 continue to demonstrate our opposition to abortion on demand
17 and will no longer be silent and complacent when it comes
18 to over one-and-a-half million abortions each year.

19 We will work unceasingly until that day comes when
20 the unborn can once again rest in peace and safety within
21 their mother's wombs and until women are loved and given non-
22 violent alternatives to the present violence of abortion.

23 Thank you.

24 SENATOR CARPENTER: I want to thank you for coming
25 up to testify today, and I'm also pleased that the pro-life
26 groups do take the position that there is absolutely no room
27 for violence as a political tool in our country.

28 There has been violence on both sides, and I think

1 all of us abhor that violence. We want to see it come to
2 an end.

3 MS. CURTIUS: Absolutely.

4 CHAIRPERSON WATSON: I notice your use of the
5 phrase "witch hunt." Would you explain what you mean by that,
6 please?

7 MS. CURTIUS: Well, there is fears among pro-life
8 supporters that somehow the sidewalk counselors and--now
9 picketers being different than sidewalk counselors. Picketers
10 being a march type of thing with signs. Sidewalk counselors
11 being people who come on a regular basis to meet women going
12 into the clinics, but these groups are somehow going to have
13 to curtail their activities when they have absolutely nothing
14 to do with the bombing of abortion clinics.

15 CHAIRPERSON WATSON: Is there any evidence that
16 that is the case? What have you seen that makes you think
17 that that's the case?

18 MS. CURTIUS: Well, I have been involved in pickets,
19 a little bit of sidewalk counseling, but not much. Due to
20 the fact--

21 CHAIRPERSON WATSON: No. I mean what have you seen
22 legislatively that would make you think that the intent of
23 the Legislature was--

24 MS. CURTIUS: Well, there was concern that SB 558's
25 intent was unclear as to the--

26 CHAIRPERSON WATSON: Did you read the language?

27 MS. CURTIUS: Yes, I did.

28 CHAIRPERSON WATSON: Okay, can you point out to

1 me the language that would prohibit your right to demonstrate?

2 MS. CURTIUS: There was--I believe, there was
3 wording about harassment, and what constitutes harassment
4 between say pro-lifers on the sidewalk and escorts coming
5 in.

6 CHAIRPERSON WATSON: Can you pinpoint the language
7 or the section that would prohibit your right to lawfully
8 gather and demonstrate?

9 MS. CURTIUS: No, I'm sorry, I don't have that.

10 CHAIRPERSON WATSON: Okay. Well, I want lay your
11 fears and fears of anyone in this room. There is no intent
12 by this author, and I am the author of 558. I speak for
13 myself. There was no intent on my part to curtail anyone's
14 civil rights, and looking at me you can see as a woman and
15 as a minority, I have been fighting for all of our civil
16 rights.

17 I'm trying to go after the law breaker, the
18 offender, the person that has gone beyond that which has been
19 guaranteed by the Constitution of California and the--our
20 Federal Constitution; that person who chooses violence that
21 would hurt any one of us, if we allowed it go forth.

22 I think the language in there is so broad that it
23 covers almost every type of facility that does health care,
24 and I think you could support it as well as anybody else in
25 this room. My intent is not to cut off anyone's civil rights
26 or impinge on them.

27 MS. CURTIUS: Thank you.

28 CHAIRPERSON WATSON: Thank you very much.

1 I'd like to call up our--excuse me.

2 Any questions, Senator?

3 Okay. I'd like to call up our next witness, Susan
4 McMillan, and Susan represents the Right to Life League of
5 Southern California.

6 MS. McMILLAN: Thank you.

7 I appreciate this Committee letting me come before
8 you and testify. I don't know if I need to identify myself.

9 For the record, my name is Susan Carpenter McMillan.

10 I would like to begin by stating that I, too, am
11 very concerned about the violence that has arisen out of the
12 emotional debate over the abortion issue. I believe that
13 people on both sides of this issue be they anti-abortion or
14 pro-abortion are concerned with what is happening in our
15 country today.

16 Because of the confusion over the topic, when we
17 received an invitation--a request to testimony forum it said,
18 "Abortion Clinic Bombings," and yet when my staff called your
19 office, we were told that it goes beyond the bombings and
20 it's going to encompass the effects the bombings are having.
21 So, I'm going to try to address the two areas, and I will
22 begin by addressing the first.

23 The pro-life movement is a grassroots movement of
24 almost 13 million members across this country. We are composed
25 of liberals, conservatives, religious, non-religious, career
26 women, domestic homemakers, all races, and all ages. Our
27 movement is dedicating to holding all human life precious.
28 We do not believe that you can end violence by violence.

1 However, in every movement that is grassroots
2 focused on human right's concern, and growing rapidly, there
3 are bound to be fringe elements. There are radicals on both
4 sides of the abortion issue. But there have always been
5 radicals on social issues. One thinks back to the civil
6 rights movement, lead by the late Dr. Martin Luther King,
7 we recall how the fringe radical element, the Black Panthers,
8 took violent action.

9 In the pro-life movement, we are not aware of any
10 similar group. However, there is no pro-life group involved.
11 It does seem that there are those who have been tried and
12 found guilty for these bombings have sentiments of concern
13 for the unborn victim within the facilities. Would we dismiss
14 the civil rights movement because of a few Black Panthers?
15 I certainly hope not.

16 Personally speaking, and by the way I am here today,
17 Senator, missing my own commission meeting. I am a member
18 of the LA County Commission on the Status of Women, to testify
19 before you today, and I can tell you also as a woman, very
20 concerned with women's issue and as a current president of
21 the California Chapter of Feminists for Life, that I am
22 concerned about women both in and outside the abortion clinic.

23 My staff has prepared several pictures that are
24 examples of the violence that this issue has caused. I will
25 have him hand these pictures out to you now.

26 UNIDENTIFIED SPEAKER: Can I ask the Chair to rule
27 on the relevancy of this?

28 MS. McMILLAN: Excuse me a second.

1 May I have my time, please.

2 CHAIRPERSON WATSON: Wait a minute. Wait a minute.

3 I don't want to open this up to whether we should
4 offer legal or illegal abortions, I mean whether abortions
5 should legal.

6 MS. McMILLAN: I'm not. This is not what this is
7 here--I'm not doing that. This is about bombings.

8 CHAIRPERSON WATSON: If your pictures relate to
9 the bombings--

10 MS. McMILLAN: Yes, they do.

11 CHAIRPERSON WATSON: --and the issue at hand, and
12 I do want to caution all those who testify this morning to
13 stay on the topic.

14 MS. McMILLAN: Now, you will see that this is a
15 fire (indicating), that has been done by an arsonist. This
16 is not, however, an abortion clinic. This is a pro-life
17 counseling center. On February 26, 1982, the Office of the
18 California Right to Life Office in Walnut Creek was firebombed
19 by an arsonist. In recent months, the Right to Life League's
20 25 pregnancy counseling centers in Huntington Beach has been
21 severely vandalized 7 times since October 14, 1985. The police
22 report from November 8 of this year stated, and I quote, "It
23 appears that the suspect or suspects were only interested
24 in doing specific damage as to directly disrupt the activities
25 of the life center."

26 All of us here today have heard about the destruction
27 of abortion clinics, and there inevitably has been speculation
28 about the cause of these acts. Who would argue that abortion

1 clinic bombings are not a horrible act of the most violent
2 kind?

3 This Committee is to be commended for its efforts
4 to address this volatile problem; however, if hope is to
5 born of this tragic event it must be given direction devoted
6 to protecting life and has an obligation to protect the rights
7 of all concerned.

8 For years, pro-life centers have been the subject
9 of arson, felony, vandalism, and our counselors harassed,
10 threatened, and physically attacked. The principle is the
11 same. The initiative of force to achieve one's objective
12 either way is wrong, be you of pro-abortion philosophy or
13 pro-life philosophy.

14 Those who oppose abortion clinic destruction you
15 would think would share equal concern for pro-life centers.
16 One cannot take a negative attitude toward the one and not
17 the other, but such inconsistency has come to light when the
18 very Chair of this Committee twice attempted to bar language
19 to include protection of pro-life centers in SB 558.

20 It is our sincere hope and prayer that this
21 Committee not become a platform for anyone to promote their
22 own personal ideology, but seek to clearly define the problem
23 of senseless violent attacks and to find a peaceful solution.

24 I would now like to, briefly--if you do not think
25 I'm getting off the subject--address the problem of the women
26 inside the clinic. Is that going out of the scope of what
27 you were focusing on?

28 CHAIRPERSON WATSON: Let me just stop you for a

1 minute, and ask you if you have read 558.

2 MS. McMILLAN: Yes, Senator, I have read 558 before
3 Senator Roberti got ahold of it and after Senator Roberti
4 got ahold of it.

5 CHAIRPERSON WATSON: Excuse me.

6 Have you read it under its new Chapter number?

7 MS. McMILLAN: I have read the final form, and I
8 am pleased with the final form.

9 CHAIRPERSON WATSON: Okay, all right.

10 MS. McMILLAN: I am concerned about the original
11 draft.

12 CHAIRPERSON WATSON: All right.

13 Would you not support--

14 MS. McMILLAN: I support the final form that Senator
15 Roberti--

16 CHAIRPERSON WATSON: Very good.

17 MS. McMILLAN: --yes, did put his language in.

18 CHAIRPERSON WATSON: Is there any area of the Bill
19 that precludes--

20 MS. McMILLAN: Not at all.

21 CHAIRPERSON WATSON: All right.

22 My intent--now, listen to my very closely, because
23 I am the author.

24 MS. McMILLAN: I am listening.

25 CHAIRPERSON WATSON: My intent was to prohibit the
26 bombing of any facility, whether people are inside the building
27 or outside of the building, whether it's pro-life or pro-
28 choice. I do not believe in violence.

1 MS. McMILLAN: I'm very glad to hear you say that.

2 CHAIRPERSON WATSON: I have said it over and over
3 again, and I have made it very clear that my position is pro-
4 choice. I do not hide behind words. I'm very clear on that,
5 and I want you to know, and everyone in the audience and the
6 press to know too, that I authored that bill because I was
7 concerned about the mounting violence, be it on the inside--
8 aimed to the inside, aimed to the building, aimed to the people
9 in front of the building, or on the street, or any place.

10 So, I want you to understand that.

11 MS. McMILLAN: Fine.

12 CHAIRPERSON WATSON: Senator Carpenter.

13 SENATOR CARPENTER: Susan, I want you to know that,
14 although the Chairman and I disagree on the pro-life, pro-
15 choice issues, during the time that I've known the Chairman,
16 she is very adamant against any violence as a political tool.

17 MS. McMILLAN: I'm glad to hear that.

18 SENATOR CARPENTER: Yes, and this something, perhaps,
19 that she can't say as well as I can for her, but that we are
20 in absolute agreement that there shouldn't be any violence
21 associated with this issue.

22 The issue is a very emotional issue. Of course,
23 people in political life always try and resolve those political
24 problems by finding a compromise, and it's very difficult
25 to find a compromise on the issue of abortion. But, on the
26 issue of violence, there is not compromise.

27 MS. McMILLAN: Right.

28 SENATOR CARPENTER: There will be no compromise,

1 and I know that I reflect the Chairman's point of view when
2 I tell that she is as opposed to violence on either side of
3 this issue as anyone I have ever talked to.

4 MS. McMILLAN: Well, I'm glad to hear that, and
5 I hope that this Committee remembers that the right to life
6 movement--because in your opening speech, the right to life
7 movement was lumped together with the terrorists, and we are
8 not. We have opposed it. Our national president, Dr. Jack
9 Wilke, has even offered a reward and has said that people
10 that bomb abortion clinics are not truly pro-life.

11 So, in that frame that is why I feel that this
12 Committee must remember that the right to life movement is
13 as opposed to violence as you are, Senator.

14 CHAIRPERSON WATSON: Well, I'm glad we got that
15 out in the open--

16 MS. McMILLAN: Okay.

17 CHAIRPERSON WATSON: --and cleared it up.

18 MS. McMILLAN: Would you--do you want me to finish
19 the rest of my testimony, then?

20 CHAIRPERSON WATSON: Relevant, you may go ahead.

21 MS. McMILLAN: Okay.

22 I would like to share with this Committee how in
23 the past couple of years our 25-24 hour hotlines have received
24 an increasing number of calls. By the way, this goes back
25 to the concern that what the abortion clinic bombings and
26 the violence has had on the effect inside the clinic and the
27 women outside who are trying to come in.

28 We've received an increasing number of calls from

1 women who have been clients of local abortion-providing
2 facilities. These calls have been of great concern to us.
3 These women are confused. They're scared. They're ambivalent
4 with many unanswered questions. They feel pressured into
5 believing that abortion is the only solution to their problem

6 Sitting behind me is a young woman who had questions
7 and a sidewalk counselor, that I know people seem to be
8 concerned with today, came to her, and now she has a beautiful
9 three-month old daughter, because someone offered her
10 alternatives.

11 Should this Committee attempt to ban the voices,
12 and you've already stated that you would not do that--and
13 so, I am thankful for that--it would be sad that these voices
14 would be stilled because of several--because of a few radicals.

15 I would like to close with a quote from Dr. Martin
16 Luther King in his famous "I Had A Dream" speech.

17 "In the process of gaining our rightful
18 place, we must not be guilty of wrongful
19 deeds. We must forever conduct our struggle
20 in the high plain of dignity and discipline.
21 We must not allow creative protest to
22 denigrate into physical violence."

23 And I think that his quote sums up what the right-
24 to-life movement across the country feels, and I am glad to
25 know that these bombings are also going to be looked at as
26 acts of terrorism by your Committee.

27 Thank you.

28 CHAIRPERSON WATSON: Yes. Our language in the bill--

1 and I--we don't have copies of the Chaptered legislation for
2 you, but I would like everyone to know that the language
3 says, "The buildings, offices, and meeting sites of
4 organizations that counsel for or against abortion or among
5 whose major activities are lobbying, publicizing, or organizing
6 with respect to public or private issues relating to abortion
7 are included in the lump sum of protected facilities."

8 So, I want you to know there was no intent, on my
9 part, to be bias. Of course, I addressed my original
10 legislation to the problem at hand, and the problem at hand
11 that I recognized was the bombing--

12 MS. McMILLAN: Of abortion--

13 CHAIRPERSON WATSON: Yes, of these facilities.

14 MS. McMILLAN: Well, I'm very glad to know that
15 now you encompass all facilities.

16 CHAIRPERSON WATSON: When it was explained that
17 there was just as much concern on the other side, we broadened
18 the language. We do it all the time as Senator Carpenter
19 said. That is the art of negotiation, and you start out with
20 an idea, and by the time that idea gets to the Governor's
21 desk it could go through any number of changes and usually
22 does. There's no perfect bill. I haven't seen one yet.

23 All right, thank you.

24 MS. McMILLAN: Thank you.

25 CHAIRPERSON WATSON: I'd like to call up Georgia
26 Mercer with Planned Parenthood, World Population.

27 MS. MERCER: Thank you.

28 I have copies of my testimony.

1 CHAIRPERSON WATSON: Thank you.

2 MS. MERCER: Good morning, Senators.

3 I'm Georgia Mercer, director of public affairs for
4 Planned Parenthood, Los Angeles. We welcome the opportunity
5 to share with you our concerns regarding the alarming increase
6 in clinic violence throughout the United States.

7 Attacks against reproductive health clinics have
8 increased significantly starting in 1984. Violent actions
9 range from death threats against clinic personnel, to fire-
10 bombings which have caused extensive damage to property. To
11 give you some idea of the alarming increase throughout the
12 country, in 1981 there was one case of arson and one attempted
13 arson. In 1982, there were four cases of arson, ten bomb
14 threats, and four bombings. In 1983, there was one attempted
15 arson, nine bomb threats, and three bombings. In 1984, there
16 were a total of 30 incidents of arson bombings and attempts
17 at both. In 1985, we have 13 major incidents, but in the
18 past, unfortunately, the holidays have a time of increased
19 violence against clinics, so we're not finished with 1985.

20 I would like to point out, though, that this year
21 the actions have become increasingly life-threatening. Four
22 packages containing bombs were recently sent to clinics
23 through the mail in Oregon, and the bomb explosion earlier
24 this month in New York City occurred during working hours,
25 and at Planned Parenthood-Los Angeles, over the last year-and-
26 a-half, we have experienced three actual attempts and numerous
27 false alarms.

28 All of us involved with the provision of reproductive

1 health care for women are appalled that opponents of family-
2 planning services and reproductive choice are resorting to
3 violence and terrorism to achieve their goals. Our function
4 is to provide legal, high-quality, low-cost health care for
5 low-income and needy women and men. If patients are being
6 frightened away from family-planning clinics by picketers,
7 bullhorns, gruesome posters, faked and real violence, what
8 happens to them?

9 Needy women who choose to take responsibility for
10 their own lives by seeking contraceptive services frequently
11 have few alternative health care options available to them.
12 Sixty-six percent of our birth control patients receive
13 subsidy. Seventy-three percent of these women are 20-years
14 old or older. These are often working poor who have not health
15 coverage through their employment. What are their alterna-
16 tives? Expensive, private health care is out of their reach,
17 and as we know the alternative of last resort is a county
18 facility.

19 Our county facilities are heavily over-burdened
20 and being pressured more and more to focus on emergency health
21 care services, and often do not have the luxury of providing
22 preventive health care services.

23 The clinic staff at Planned Parenthood are highly
24 trained, sensitive, caring people dedicated to providing the
25 best reproductive health care available to the maximum number
26 of patients. It is a wasteful drain on our time and energy
27 to be worried about bomb drills, suspect packages, or people
28 acting strangely in and around our clinics.

1 Our family and friends are also affected by our
2 working in a potentially dangerous setting. They are worried
3 and concerned about our well-being and safety.

4 It is an obvious wasteful drain on our agency
5 resources to be forced to provide increased security measures
6 like video cameras, gates, security guards, and as we all
7 know insurance costs have been escalating at a frightening
8 rate over the past few years. These increased overhead costs
9 seriously erode our ability to provide services to more
10 patients. We're not willing to sacrifice our quality care
11 to increase numbers.

12 The community around each clinic is also impacted.
13 It has been necessary for us, on various occasions, to alert
14 our neighbors to be ready to evacuate their premises because
15 of a bomb threat to us. We certainly prefer a more positive,
16 mutually beneficial relations with our neighbors.

17 Finally, there are two critical issues we need to
18 address. They are the rights of the individual on the one
19 hand, and the seemingly acceptable level of violence by society
20 on the other. Planned Parenthood has always strongly
21 supported our opponent's right to free speech, but we must
22 draw the line when that free speech becomes harassment, and
23 denial of legal-medical services to our patients. Democracy
24 is an empty work when individual rights are denied through
25 fear and intimidation.

26 We feel that verbal violence of our opponents has
27 helped create an atmosphere that has obviously led to actual
28 violence by zealots and fanatics. We suggest that anti-choice

1 spokespeople seriously examine their tactics and verbiage.
2 An open, free society cannot accept any acts of violence of
3 terrorism. We all know the results from history of when
4 well-meaning, upright citizens begin to turn their heads away
5 and tolerate any degree of violence.

6 We encourage the Senate Health and Human Services
7 Committee to do everything in its power to provide leadership
8 in maintaining safe and improved access to reproductive health
9 care for all Californians, and we strongly support your
10 legislation.

11 CHAIRPERSON WATSON: Thank you, Ms. Mercer.

12 MS. MERCER: Yes.

13 CHAIRPERSON WATSON: Are there any questions?

14 We appreciate your testimony.

15 MS. MERCER: Thank you.

16 CHAIRPERSON WATSON: Okay, Carol Downer, Federation
17 of Feminist Women's Health Centers.

18 MS. DOWNER: Good morning.

19 CHAIRPERSON WATSON: Good morning.

20 MS. DOWNER: Thank you very much for giving me an
21 opportunity to speak on a subject that is of very great
22 importance to all of us.

23 My name is Carol Downer. I'm the vice-president
24 of the Federation of Feminist Women's Health Centers. In
25 1973, I co-founded the first free-standing abortion clinic
26 in the nation in Los Angeles.

27 Federation Clinics in California include Woman Care
28 in San Diego, and the FWHCs in Chico and Redding.

1 I have very personal experience with clinic violence.
2 In addition to the fact our clinic was burned, which Edie
3 Berg will be speaking of, when I was the executive director
4 of the Los Angeles Feminist Women's Health Center during the
5 vigil of the 1985, January 22nd anniversary of the Supreme
6 Court decision, I found that every law enforcement and fire
7 department representative contacted us, but that the police
8 response to the on-the-spot situations was very variable.
9 For example, when vigilers had a plastic bag full of urine thrown
10 at them which contained a plastic doll with a coat hanger
11 wrapped around its neck, we could not even get the police
12 to respond for one hour even though we saw police cars across
13 the street at a 24-hour hamburger stand, and when they did
14 respond, they refused to come within our clinic to take a
15 report. So, the whole problem of police response has to be
16 examined from not only official policies but how it is trans-
17 lated into the actual implementation. The problem is from
18 the top on down.

19 I'd like to speak directly to the topics that have
20 been brought up by the pro-life advocates, having to do with
21 what they call "picketing" or "sidewalk counseling," because
22 I think this is very related to the actual incidents of
23 bombings in this country. The people who bomb clinics are
24 picketers. This is on record that the people that have been
25 found to be bombers have not just been sitting at home dreaming
26 this up. They have been active in the anti-abortion movement.
27 They often are leaders, organizers, highly respected in their
28 community. I'm speaking--well, many, but I am very familiar

1 with Curtis Basita in the Everett, Washington area who actually
2 sponsored a petition and was very well-regarded.

3 These bombings do not occur in a vacuum, like any
4 social action. Rather in a climate that promotes and condones
5 such violence. The rhetoric of the anti-abortion people is
6 to call women "murderers." Now, given that belief on their part,
7 it's just one step away for someone to bring forth the
8 punishment that they think would be commensurate with such
9 a crime. I think that as Ms. Mercer spoke, I think that any
10 organizations who do not condone violence should really look
11 at the language that they're using to see how that could
12 promote violence on the part of those who might be susceptible
13 to committing that violence.

14 As to the picketing itself, this--or sidewalk
15 counseling, I think that people who observe picketing will
16 say that in some cases it is true picketing. I have seen, you
17 know, picketing such as I have certainly engaged in for years.
18 I certainly support the right to express your opinion in that
19 form, and that is not what anyone is talking about. They
20 are talking about actual violation of that woman's right to
21 privacy. This is a legal right. Women should be able, with
22 their families, to drive up to the facility, to get out of
23 that car, and walk into that front door of that facility
24 without any interference, verbal, visual, or physical from
25 anyone.

26 If people want to demonstrate, fine. Let them be
27 at a distance, maybe across the street or at a place where
28 if a person would choose to walk over and speak to them, that

1 is fine. If a person would choose to look at their signs,
2 or choose to accept their literature, but not to intrude into
3 that, either by yelling at the person or, you know--it ranges
4 from "Please don't kill your baby," to much more worse kinds
5 of things.

6 As to the fact that the pro-life does not condone
7 this violence, I have to say that in cases where bombers have
8 been caught, the anti-abortion movement has come to their
9 defense. They have raised funds. They have provided
10 attorneys. This was true in Florida. This was true in
11 Washington. And I think that to be consistent with that
12 public statement, they should not use their funds to support
13 the people that have been proven to commit these acts of
14 violence.

15 In Redding, we had a situation that I think really,
16 to us, showed the difference between lawful picketing and
17 harassment. We were forced, due to bomb threats and
18 complaints from neighbors, to move from our facility, and
19 we had--after months of looking, all we could locate was a
20 free-standing house which we had to decorate at great expense
21 so it could be a clinic. It had a parking lot in the back
22 with an alley. At first, the anti-abortionists picketed in
23 front, you know, on a busy street. No one interfered with
24 that. We were perfectly accepting of their right to do that.
25 When they found that the women could approach through the
26 alley parking lot and approach through a side entrance, they
27 immediately shifted their activities to the alley, where no
28 one was there to see them. No one could be influenced by

1 that. There could be no political purpose served by that
2 picketing. I'm happy to say that the local authorities agreed
3 with us that this was private property, and they're no longer
4 doing that.

5 But I think that anyone who's making up legislation
6 has, I think, a very difficult task, but a very necessary,
7 because it's necessary to preserve these constitutional rights,
8 but also, you know, do the hard job of distinguishing between
9 what's lawful and what is unlawful, and I urge the state to
10 take on that task.

11 Other people are going to talk more about some of
12 the problems that come from clinic bombings. It doesn't take
13 many bombings to keep us from being able to get fire insurance,
14 to keep us from being able to get staff. You don't have to
15 be personally bombed to be affected by a bombing. There are
16 clinics in this country who have never had any actual problems
17 with it, like our San Diego clinic who searched for months,
18 and yet they had never had any bombing or anything like that.

19 So, when we're speaking about bombing and its
20 effects, we must not limit ourselves to just those clinics,
21 you know, because three or four well-publicized bombings
22 affects hundreds of clinics around the whole country and has.
23 It has had a dramatic effect upon us.

24 As far as fire insurance, as Ms. Mercer said, it
25 has gone up from \$900 a year to \$9000 a year in our Chico
26 health center. Many clinics are not able to get it at all.

27 I want to point out too another important thing
28 for the Committee to think about, and that is that, histori-

1 cally, the established medical profession has not met the
2 need for abortion care. This gap has been filled by free-
3 standing clinics. Often, these free-standing clinics have
4 had to locate in facilities that were not as secure. Now,
5 with the wave of bombings, most are trying to relocate into
6 business buildings with, you know, 24-hour security guards
7 and so forth.

8 I think when we're talking about the access to
9 abortion care, we have to realize that not only are we
10 protecting abortion clinics as a legitimate business who
11 deserves the protection of the state, but if those clinics
12 are forced to close down or to pay excessive rentals in order
13 to get into secure locations, we're talking about women being
14 denied access to abortion and not through any vote of the people
15 or legislative action or any court decision but through
16 terrorism.

17 Finally, I would like to touch on something that
18 I hope that this Committee can look into and that is that
19 there's a level of harassment that is going on by the state
20 itself, and this is through our certification and licensing
21 in our Department of Health Services. Most of the abortion
22 clinics are community clinics, unless they're doctor's offices,
23 which means they're licensed by the state, and they're subject
24 to very rigorous inspection, and they enjoy nonprofit status,
25 which means that they are of a quasi-governmental nature.

26 Yet, we are--especially under the current
27 administration, we are constantly subjected to harassing
28 inspections, mostly sparked by complaints from the anti-

1 abortionists. One complaint from the pro-life medical
2 association that doctors were not performing abortions in
3 the Feminist Women's Health Centers resulted in inspections
4 up and down the state. I mean on top of our regular inspec-
5 tions. I'm not talking about the legitimate, regular
6 inspections that we all recognize as necessary.

7 In our Redding clinic, the anti-abortionists secured
8 a place across the way from our clinic. They watched every
9 woman go in and out. They photographed them. Being a small
10 town, this made it very difficult for a woman in Redding to
11 exercise her right in privacy. They would report--

12 CHAIRPERSON WATSON: About how many of these
13 inspections took place, say, within a year's time at any one
14 clinic?

15 MS. DOWNER: It varies, but in Redding they had
16 a half a dozen within two months.

17 CHAIRPERSON WATSON: And who was coming out? People
18 from the Department of Health Services?

19 MS. DOWNER: Yes. Specifically, a Mr. Pat Buckley
20 or the people underneath him. The kind of complaints they
21 had was, "Well, the women didn't look so good coming out of
22 the clinic, today."

23 CHAIRPERSON WATSON: Well, the reason I raise that
24 question is because in other areas, beyond abortion and family
25 planning and so on, we're told that there is not adequate
26 staff to do the inspection. And so if I can get some
27 documentation, I will raise these questions as to how staff
28 could be put into one unit to do as many as six inspections

1 within a year's time, and they're not getting around into
2 some of our Medical facilities, for other kinds--our senior
3 citizen's homes, and so on.

4 MS. DOWNER: I'd very happy to supply you with that.

5 CHAIRPERSON WATSON: Okay, thank you.

6 MS. DOWNER: The--so, in conclusion, I would like
7 to say that women's rights are in jeopardy. They are in
8 serious jeopardy due to this wave of bombings whether they
9 take place by the body of pro-life or by their radical fringe
10 or whatever. It is definitely in danger, and I hope that
11 the state, particularly, given the fact that we have not been
12 able to get the kind of response that we need, will take upon
13 itself to protect women's right, because at the moment the
14 burden for that is falling upon individual abortion facilities,
15 abortion, family-planning facilities.

16 Thank you very much.

17 CHAIRPERSON WATSON: Thank you.

18 SENATOR CARPENTER: Madam Chairman?

19 CHAIRPERSON WATSON: Yes, Senator Carpenter, has
20 a question?

21 SENATOR CARPENTER: Yes.

22 You've heard the Committee, this morning, express
23 their abhorrence of violence.

24 MS. DOWNER: Yes. I'm very happy to hear that.

25 SENATOR CARPENTER: You heard pro-life witnesses,
26 and you've heard pro-choice witnesses indicate that they, too,
27 felt violence had no role.

28 I was a little bit surprised at your near equating

1 picketers with bombers, and I'm wondering if, as we search
2 for those people who bomb pro-life centers, if we should look
3 for those people among the picketers.

4 MS. DOWNER: I think if we find people that bomb
5 pro-life facilities, and they find that they are in leadership
6 positions, if they are respected community members in the
7 pro-choice movement, if they are part of the warp and woof
8 of our movement, that we all have to really to ourselves and
9 purge ourselves, and I would personally take--I would do more
10 than go to a clinic hearing and abhor violence.

11 I think that I would work very, very hard to purge,
12 and I call upon them to do the same.

13 SENATOR CARPENTER: I think the truth is the pro-
14 life movement would be damaged if their leadership had any
15 involvement in violence. I think the pro-choice movement
16 would be damaged if their leadership had any involvement in
17 violence, and I think there's enough intelligence on both
18 sides of this very emotional issue to know that.

19 I really think that the people who are involved
20 are the fringe nuts on the extremes of both of these movements,
21 and I think it's probably--

22 MS. DOWNER: I think that's sometimes true, and
23 I think sometimes it has not been true. Mr. Curtis Basita,
24 that I mentioned, was a very respected person in the community.
25 Not only was he active as a picketer, but he also has promoted
26 a petition drive. He was highly well-regarded--extremely
27 well-regarded by, you know, people within his movement. Even
28 though they didn't approve of what he did, nevertheless, he

1 certainly was not, by any definition, a fringe element no
2 matter what you might think of what he did.

3 SENATOR CARPENTER: He became a fringe element once
4 he took the action that he took.

5 MS. DOWNER: Definitely, except they did support
6 a defense fund for him, and he has been visited in jail by
7 Joseph Shiedler, who is a major figure in the anti-abortion
8 movement, and he holds high regard. They publish his articles
9 in their papers. I have not seen the condemnation that I
10 would think consistent with their public statements that I
11 would like to see, and I would urge them to do that if they
12 want our respect.

13 SENATOR CARPENTER: I have seen that kind of condem-
14 nation, and I suspect that those people who are visiting
15 him had hopes that time can create a situation of redemption.

16 MS. DOWNER: Well, we hope so.

17 SENATOR CARPENTER: Something I hope is true for
18 all of us.

19 MS. DOWNER: I hope so.

20 CHAIRPERSON WATSON: "Out of the ashes comes the
21 pheonix."

22 All right, thank you.

23 And I'll call up now Dr. Rodney Sidney Brooks with
24 The Baptist Tabernacle.

25 DR. BROOKS: Good morning, Senators.

26 CHAIRPERSON WATSON: Good morning.

27 DR. BROOKS: Good morning.

28 Thank you for the opportunity to testify before

1 this Committee. My name is Dr. Rodney Shelton Brooks. I'm
2 the assistant pastor of the Fundamentalist Baptist Tabernacle.

3 I do not condone the violent and illegal acts of
4 abortion clinic bombings. In fact, I do not believe that
5 the bombings are supported by any person legitimately concerned
6 with life. I am personally familiar with an abortion clinic
7 now operating in North Hollywood. The bombings recently
8 publicized in New York and Oregon serve to create an atmosphere
9 of stress and tension among clients availing themselves of
10 clinic services. The nervousness of the clients is transmitted
11 to the nurses and doctors who step outside of the clinic to
12 talk and chain smoke during their breaks.

13 Many who seek abortion would prefer the operation
14 to be a quiet, unobtrusive experience. Having spoken with
15 many young women who have sought abortions, I have found that
16 the thought of the clinic being bombed with them being present
17 is frightening and unsettling. I have been told by sources
18 close to this particular clinic that the threat of bombing
19 has cut dramatically into business. Thirty abortions per
20 week have been cut drastically to an average of eight to
21 fifteen abortions per week. Potential clients are increasingly
22 reluctant to engage this clinic's services because of its
23 growing reputation as a possible target.

24 The bombing incidents have also resulted in an
25 increased public awareness and interest in the abortion
26 controversy. More pro-lifers are coming to the clinics two
27 and three times a week attempting to talk with already nervous
28 men and women who come to obtain legal abortions. The question

1 now remains, what can the state do to prevent these incidents
2 from occurring.

3 First, the state must recognize that what is
4 happening is similar to John Brown's efforts at Harper's
5 Fairy prior to the outbreak of the Civil War. The violence
6 of slavery begat the violence that followed and drenched our
7 nation in blood. When the abortuaries stopped tearing the
8 arms and legs off helpless unborn children, then, and only
9 then will the violence and threat of abortion clinic bombings
10 cease.

11 Thank you very much.

12 CHAIRPERSON WATSON: Thank you.

13 DR. BROOKS: Thank you.

14 CHAIRPERSON WATSON: Jo Ellen Passman, California
15 Abortion Rights Action League.

16 MS. PASSMAN: I'm Jo Ellen Passman. I'm the director
17 of the California Abortion Rights Action League.

18 Since October 9, 1985, the day that this Committee
19 issued notification of this public hearing there have been
20 at least nine incidents of bombings or attempted bombings
21 of abortion and family-planning clinics. While it is
22 impossible to count the innumerable episodes of verbal and
23 physical harassment of women who come to clinics for help,
24 we know that there have been at least 190 bombings, or
25 attempted bombings and arsons, of abortion and family-planning
26 clinics across the country.

27 The disruption and harm done to abortion and family-
28 planning providers is accurately measurable only in financial

1 terms. There is no stress test available today that can
2 adequately measure the cost in human terms. Clinic directors
3 report that clinic personnel have quit their jobs, have cut
4 back their hours, and some have been forced to change their
5 residences because of harassments at their homes. The
6 atmosphere in and around the clinics is often quite tense.

7 Clinic personnel have been kidnapped, held at gun
8 point, been called to the site of burning clinics in the middle
9 of the night, have fortunately, accurately detected live napalm
10 bombs in the mail, and bravely come to work every day knowing
11 that their lives may in jeopardy. They can be likened to
12 medics in wartime, who do not take up arms themselves, but
13 who must perform under the constant threat of personal
14 jeopardy and harm.

15 In addition, the cost of providing services has
16 risen. Many facilities have increased their security measures
17 with expensive hardware, security systems and security
18 personnel. Some landlords wary of vandalism and bombing
19 reports have increased rents or terminated leases. Insurance
20 carriers of all kinds, malpractice, workmen's comp, and so
21 forth have rated providers of abortion as "high risk," and
22 either charged them the highest rates or dropped their coverage
23 altogether.

24 So far, most abortion providers and family-planning
25 providers have absorbed these costs themselves, but it is
26 only a matter of time before these costs will be translated
27 into the cost to the patients who come for services.

28 What the bombings do not do is stop abortion and

1 contraception. Nothing ever will. The California Abortion
2 Right's Action League would like to congratulate Senator
3 Watson on Senate Bill 558, which the Governor signed into
4 law this fall. We are very hopeful that this appropriation
5 will aid law enforcement officials in the apprehension of
6 pro-life terrorists, arsonists, and bombers.

7 The pro-choice community is hopeful that the new
8 appropriation will encourage enforcement at the local levels.
9 However, the pro-choice majority in California cannot help
10 but view these acts of violence as anything other than the
11 natural result of the violent, insightful rhetoric of the
12 so-called "pro-life movement." For example, a few days prior
13 to the delivery of the letter bombs to an Oregon clinic, the
14 bombings we've been hearing about this morning, clinic
15 personnel reported that the Saturday prior, or a few days
16 prior, to the delivery of the bombs protesters were unusually
17 wild and abusive, saying things like, "We're going to get
18 you," and "You dare not sleep." One week prior to the
19 burning--or rather the bombing of the clinic in Charlotte,
20 North Carolina, the Right to Life League held a strategy
21 conference in that city.

22 For the medical provider and the patient, violence
23 begins with the anti-choice picketers who swarm around the
24 patients, photograph them, copy down their license plate
25 numbers, call them at home, grab and pull at them, and yell
26 and scream "murderer" in their faces. The bombings are the
27 next manifestation of this state of mind.

28 Finally, we know that the agenda of the anti-choice

1 movement is to outlaw abortion no matter what the cost in
2 women's lives. It is essential that the constitutionally
3 protected right of abortion be considered in its tremendous
4 importance. This right affects the destiny of nearly every
5 woman and family in the United States today, whether or not
6 ever faced with the reality of an unintended pregnancy. When
7 viewed in this light of truth, it becomes quite reasonable
8 to accept some appropriate restrictions to protect women from
9 intimidation, violence, and harassment while engaged in the
10 exercise of a fundamental constitutional right.

11 Therefore, we urge the state to actively pursue
12 pro-life criminals who threaten the lives of women who come
13 to medical facilities for services. We ask the state to urge
14 local police agencies to provide greater protection to clinics
15 and their patients. Additionally, we urge the courts, when
16 asked by clinics, to issue injunctions against protesters
17 to limit their actions; doing so may prevent vandalism, arson,
18 bombing, assault, and even murder.

19 Thank you.

20 CHAIRPERSON WATSON: Thank you very much.

21 MS. PASSMAN: I have for the Committee copies of
22 my testimony, as well as summaries from the National Abortion
23 Federation on the clinics that have occurred across the
24 country since 1977.

25 CHAIRPERSON WATSON: The bombings that have occurred.

26 MS. PASSMAN: What did I say?

27 CHAIRPERSON WATSON: The "clinics."

28 MS. PASSMAN: The bombings that have occurred at

1 the clinics.

2 CHAIRPERSON WATSON: Okay. Thank you. We appreciate
3 that.

4 Kathleen Hodge, Clinic Defense for Orange County.

5 MS. HODGE: My name is Kathleen Hodge, and I'm with
6 Clinic Defense of Orange County, and I am here to testify
7 about a clinic which did not blow up. It did not blow up
8 because the citizens of Orange County decided that it wasn't
9 going to blow up.

10 In terms of the cooperation that we got from either
11 local police or federal agents, I have to tell you that we
12 got the same response that Ms. Uitti got in inviting them
13 here today. You see that they are not present. Obviously,
14 they have no federal mandate to be present, and there was
15 no federal mandate for them to be present during the
16 incidents, which I will describe to you which
17 occurred at the clinic. As far as the response that we got
18 from local police or the local D.A.'s office, I have to tell
19 you that the Great Bear of California has been reduced to
20 a teddy bear in this particular area of law enforcement,
21 and I would like to see that change, and I know I represent
22 a large group of people who would like to see that change.

23 The instruments that are needed to preserve a clinic,
24 today in Orange County, include: a garden hose to put out
25 one of three fires which was started at the clinic; they
26 include a scarf because you have to stay out there all night
27 and the activity is generally around the holiday season which
28 is colder than the rest of the year; they include a thermos

1 because these were citizens who had ordinary jobs to go in
2 the morning, and it was very difficult for them to stay awake
3 all night after the clinic received these threats; and I
4 brought an extra cup for coffee in case, just in case, a
5 federal agent or a police investigator concerned about the
6 situation might show up; in general, the cup remained empty.

7 As you have outlined, Senator Watson, there have
8 been an increase in these incidents, and as a matter of fact,
9 in November of 1984, agents of the Federal Bureau of Alcohol,
10 Tobacco, and Firearms informed the National Abortion Federation
11 that a caller had indicated 25 clinics offering abortion
12 services were to be blown up by New Year's Eve. The caller
13 gave a state-by-state quota of the number of these future
14 bombings and where they would occur. Unless that individual
15 was a psychic, I say that, on the face of it, indicates
16 conspiracy on a national level, but at that time, the FBI's
17 response was that they did not consider it terrorism or
18 conspiracy, and they did not respond. They said there were
19 508 agents of the Bureau of Alcohol, Tobacco, and Firearms
20 to be involved in the investigations, and I will address
21 myself to that later in the testimony.

22 After an attempted firebombing at Planned Parenthood
23 of Santa Ana, on December 22, 1984--and you'll be hearing
24 from Ms. Seigle the director of that clinic--I undertook
25 to coordinate the protection by 24-hour citizen watch of
26 the Women's Choice Clinic, which is operated by the Feminist
27 Women's Health Center of Orange County.

28 I am a technical writer. I reside in Huntington

1 Beach.

2 Over the next eight days, more than 30 people, from
3 6 different community groups, banded together to provide
4 a 24-hour watch for that clinic. We did not intend to
5 continue our watch of the clinic. However, we realized that
6 January 22nd represented the 12th anniversary of the Supreme
7 Court decision allowing abortion in the United States, and
8 that this date has been associated with anti-abortion violence
9 for several years, we learned. Therefore, we continued our
10 watch, but it was not possible for ordinary citizens to
11 provide ongoing 24-hour watch. We learned from clinic
12 officials that the weekends were times, especially likely, for
13 violence to occur.

14 February 3rd was the first Friday night in seven
15 weeks during which watch continued only until dawn and not
16 until the clinic staff arrived. When the clinic staff did
17 arrive the next Saturday morning, they found that
18 anti-abortionists had killed a neighborhood cat. They
19 strangled the animal and hung it out the front door with
20 a note attached, "Fetus heartbeat live," the same note which
21 appeared on the walls of the Planned Parenthood before the
22 bombing occurred. A window, facing the street, was broken,
23 and the waiting room was strewn with glass.

24 Now, I will talk about police response to this
25 incident, and also other incidents, where glass bottles and
26 so forth were broken carpeting the parking lot with glass.
27 Clinic officials called Monday to get a report of an autopsy
28 on the cat, which had been requested by those who discovered

1 it, but the police acted as if they were surprised that the
2 clinic wanted any fingerprinting or autopsy to be performed
3 on the cat. They acted suprised, as if any type of further
4 investigation was requested by the clinic.

5 Finally, the police agreed to have a look at the
6 cat and render an opinion as to what happened to it, but
7 it ended up at the wrong place, and clinic officials had
8 to personally track it, by which time the body had
9 deteriorated to much to tell what had happened to it.

10 Fingerprinting had to be demanded on each and every
11 occasion that there was this type of anti-abortion vandalism.
12 We were unable to get any type of police response when anti-
13 abortion literature was jammed into the motor of the wind-
14 shield wiper of a staff person's car, so that she was in
15 the rain the time without visibility.

16 So, there were a number of incidents, and the local
17 police had very, very minimal response and stated that they
18 absolutely did not have the personnel to provide much watch
19 over the clinic whatsoever.

20 On February 9th, the clinic received a dozen bomb
21 threats, and they informed me of this. I attempted to reach
22 the BATF, and I could not reach them locally at all. I had
23 to get their number in Washington D.C., through the operator,
24 and call them there, and then they called someone locally
25 and had them call me back. They had provided our citizen
26 group with a number--a 24-hour number--but they were not
27 available at that number. No one was. We did, eventually,
28 reach an operator at the local number, but she couldn't raise

1 anyone.

2 The BATF, then, told us only that we should get finger-
3 print information, make sure that there was a good file being
4 kept on the incident; that they didn't have anything to
5 do with bomb threats of clinics; that they had absolutely
6 nothing to do with bomb threats of clinics. That was totally
7 a local matter. It had nothing to do with them.

8 On the morning of April 24th, the clinic's director
9 received a morning visit from an investigator of the Santa
10 Ana Fire Department. He said a fire had taken place on April
11 22nd, at 11:50 p.m. and showed her the area of the fire.
12 Now, in between the time they went out to see the burned
13 area, which was a large area containing plants--in between
14 that time and the time they went back in the building, someone
15 put a big sign over the thing, that said, "Move." This was
16 April 24th--the morning of April 24th.

17 The fire report, which Ms. Gomez was finally allowed
18 to see after some--and the clinic officials were finally
19 allowed to see, said that fire had occurred at a vacant
20 building, a building where no business existed, but that's
21 impossible for the fire investigators to have assumed, because
22 you could see literature, furniture, posted hours if they'd
23 even had bothered to walk around the building. Apparently,
24 they had no idea that this was building that had received
25 bomb threats. There was no coordination between police and
26 fire people.

27 In addition, we had reported to the local police
28 that some of the picketers, who came to the clinic on

1 Wednesdays and Saturday, had made threatening remarks to
2 the staff, such as "Jesus knows where you live. He's going
3 to get you," and "A bomb a day keeps the doctor away," and
4 apparently, this also was not relayed to local fire people
5 as the D.A.'s office had told clinic officials it would be.
6 So, they had no idea that there was even a business at that
7 address, let alone that there was a clinic there.

8 I know this sounds incredible, but this particular
9 day, April 24th, goes on. I had noticed, over time, that
10 these incidents of violence, such as the vandalism and so
11 forth, occurred in threes or fours. I assumed whoever tried
12 to light the fire--it turned out there were two different
13 fires lit--would be back to do it again. I called--and in
14 the meantime, the sister clinic of this clinic was burned
15 down in Los Angeles on April 8th, but a final investigation
16 of that is not available at this time. But I did call the
17 BATF, and I urged them to have a surveillance team there
18 at least that night and the next night, because, in my
19 opinion, they would be able to catch the individual who had
20 done the fires, but Mr. Gray, of the BATF locally there in
21 Santa Ana, told me they had absolutely no jurisdiction in
22 any case unless a fire had already occurred.

23 A final report on that fire had been filed, and the
24 fire had been proven, by local officials, to involve a firearm.
25 A firearm is not a book of matches. It is not gasoline.
26 A firearm is a sealed, explosive device. Apparently the
27 Supreme Court recently ruled, after all this, that a closed
28 room, that is totally closed, may be regarded as a sealed

1 device, but the time I was talking to Mr. Gray, a firearm
2 consisted of a gun, or a device homemade to be a gun, or
3 a sealed explosive device, and until local officials completed
4 their report, they could not even possibly have jurisdiction.
5 It had to be proven that the BATF had jurisdiction, and they
6 had to be requested to come in on the case.

7 I then asked Mr. Gray what about the 508 agents
8 assigned to clinic violence mentioned by William Webster
9 of the FBI, and he said that 508 different people had worked
10 on capturing some people called "The Army of God" on the
11 east coast--at one time or another, 508 different personnel
12 in BATF worked on the case, but that there were no such 508
13 agents. Meanwhile, most of the time, when we would try to
14 report these incidents, or ask for surveillance from the
15 local police, they would say, "Well, that just--you know,
16 that's a federal matter. That is a federal matter. You
17 heard William Webster talk about the 508 agents. We don't
18 have 508 agents. We hardly have enough police to police
19 our town." That was their response, and obviously, they
20 were not coordinating with the fire department.

21 In fact, they weren't even coordinating within their
22 own department. I hate to tell you, they couldn't decide
23 whether to send out breaking and entering people of assault
24 people when these incidents would occur. They didn't know
25 what to do, and they seem to have no idea of the level of
26 this violence.

27 I was alarmed that I was able to get in here with
28 this box, and this hose, and all this equipment. Ms. Uitti,

1 I'm glad to say, did eventually ask me about it, but I was
2 alarmed. These people are going to be receiving death threats
3 and actual bombs in the mail. This type of hearing--where
4 some of your most prominent providers of abortion in the
5 State of California have come--I can walk in here with any
6 darn thing I wanted to come in here with. You don't know
7 who I am. I was very alarmed about that. I don't think--see,
8 this is another example of the Bear being reduced to a teddy
9 bear. You don't have an idea of what is going on out there.

10 I would like to say about the picketing, also, in
11 addressing Ms. McMillan's comments--this is the last of my
12 testimony. I personally have taken blows on my body intended
13 for anti-abortionists, because I have stood between angry
14 clients or the gentleman accompanying them and anti-abort-
15 tionists, who were trying to grab, or harass, or pin in cars,
16 or yelling "Murderer," etcetera, to clients going into the
17 clinics. The people accompanying the women would often become
18 so alarmed when the woman was pinned in the car on the
19 passenger side, that the driver would get out and attempt
20 to assault anti-abortionists, and on more than one occasion,
21 I have taken blows intended for anti-abortionists.

22 We definitely acted as a peace-keeping force in
23 Santa Ana. There is no question in my mind. We also--we
24 dealt with drunk people who would come along and get very
25 angry at the anti-abortionists. We did not want to see
26 violence, and I would like to say, on April 24th, when I
27 was trying to get the BATF to come out and act as a surveil-
28 lance team, I was also trying to get private guard and so

1 was Ms. Rosenfeld, she's absent from the room now, but she
2 was also helping to coordinate clinic security.

3 We called private guard services, and they would
4 not come to an abortion clinic. This was a decision that
5 they had already made. One agency would come if they could
6 come with a specially armed car and have armed guards there.
7 Three different directors of the clinic told me, and then
8 on separate occasions the same three directors told Ms.
9 Rosenfeld--that is a delivery of this message six times--that
10 no one was to be at that clinic with a gun or a knife, that
11 no one was to act in a violent manner, or even potentially
12 violent manner, or in a heroic manner on their behalf, not
13 one person.

14 I can tell you that among the escorts, who help the
15 clients into the clinic, and among those who watch the clinic,
16 were those who do not agree with abortion as an option for
17 themselves, and I have testimony that was appended to a
18 lawsuit filed by the clinic to get an injunction that will
19 talk about how people calling themselves "sidewalk counselors"
20 would frequently attempt to detain small children, who could
21 not possibly be coming to the clinic for abortion services,
22 and they would terrorize them by telling them about murder
23 of children inside. The children would begin to cry and
24 be upset. They also would grab people. One woman was a
25 stutterer and could not explain to them that she was going
26 to the beauty supply shop next door, and she was scratched
27 and bruised. By the time she go to the beauty supply store,
28 she was hysterical, and she couldn't talk to anyone, because

1 she can only talk when she's very calm.

2 The types of incidents were commonly seen by us on
3 that corner, and the clinic officials, over and over again,
4 told us, "No violence. No heroics on our behalf. We do
5 not want to have anything but a peaceful environment here."
6 Our duty, as escorts and as watchers over that clinic, was
7 to maintain a peaceful atmosphere in that neighborhood as
8 well, you know, in that community.

9 CHAIRPERSON WATSON: I just want to mention that your
10 testimony underscores the need for us to go back and look
11 at the law. I carried a piece of legislation that dealt
12 with domestic violence, because often when a spouse, most
13 often a woman is being beaten or abused in the home, there's
14 a call to the law enforcement agency, and they just don't
15 come out.

16 So, the bill made it very specific as to their
17 coming out and reporting that a crime is being committed,
18 and we also stipulated what they were to take into account
19 and what they were not to take into account, and that any
20 recruit that was studying to be a law enforcement officer
21 must go through a particular program of domestic violence.

22 MS. HODGE: Yes. A recommendation that I would
23 carry from my group, is that some funds or other resources
24 be set aside to educate the law officers. We believe that
25 they are sincere and want to provide security. They, however,
26 many times do not take calls from the clinic seriously,
27 especially knowing that it is a clinic for women's health.
28 They will often make very lewd jokes. In one case, it went

1 even further than that, but this did happen also.

2 That is a recommendation I would carry from my
3 group, that such education be set aside, that perhaps a message
4 that would give some uniformity to the district--various
5 district attorney's offices within California and help to
6 carry education.

7 CHAIRPERSON WATSON: Well, one of the things that
8 I can do is send a letter, from myself, to the Attorney
9 General's Office to clarify the jurisdictional responsibility
10 of local law enforcement agencies in this regard. I think
11 that whenever there is a threat of a crime, or a crime being
12 committed, they ought to respond regardless, and so we might
13 have to look into that.

14 I do appreciate your testimony, and you certainly
15 point up some loopholes in the law that we might have to
16 strengthen, and so we'll be looking at that.

17 MS. HODGE: I am also carrying with me petitions
18 to the Federal Bureau of Investigation to get involved. It
19 is signed by hundreds of citizens in Orange County. I'll
20 be delivering these to Mr. Carpenter's office.

21 CHAIRPERSON WATSON: Yes.

22 MS. HODGE: This has to do with, you know, the
23 desire to have more coordination between all of these different
24 agencies.

25 CHAIRPERSON WATSON: One of the purposes of SB 558
26 was to attach the term "terrorism," because with the terrorism
27 noted in the law, then we could call on the FBI, and we still
28 feel that these certainly are acts of terrorism. I know

1 we had a picket--a group of picketers out in front of a
2 reception we gave for the person who was the director of
3 the Planned Parenthood and cooperated in the State of
4 California, and they were awfully abusive and made it awfully
5 uncomfortable, and it was a stressful situation coming to
6 and from the premises, and they terrorized the guests that
7 were coming.

8 I don't think this can be tolerated, and we intend
9 to have it looked at, in terms of--

10 MS. HODGE: I think it's a state also, however--I
11 know this could be politically hot for any politician, but
12 you must look into this distinction being made between side-
13 walk counselors and picketers, because when we even had an
14 injunction at the clinic and would try to enforce with the
15 police, they would say, "We're not picketers. We're sidewalk
16 counselors."

17 My parents were both trade unionists and were on
18 picket lines. They never called themselves labor counselors
19 and told the police that they couldn't stay in line and
20 follow the picket laws, because they were labor educators.
21 I mean, there is such category of citizen who is above the
22 law because they have been called by God to do counseling
23 or education.

24 I think the state really does need to address that,
25 and they themselves, the anti-abortionists who are here today,
26 brought that up.

27 CHAIRPERSON WATSON: Okay, thank you very much.

28 Senator Rosenthal, did you have a question of the

1 witness?

2 Ms. Hodge, would you remain?

3 SENATOR ROSENTHAL: Not necessarily a question,
4 just a comment.

5 The concept of peaceful picketing has been talked
6 about here a number of times today. I certainly am in favor
7 of peaceful picketing for any issue, on either side of that
8 particular issues, but I wonder if at some point we might
9 have either side, and perhaps those who have testified might
10 be able to come back and tell us what they consider being
11 peaceful picketing, so that I can understand what it is we're
12 talking about.

13 When I go to--there's a strike going now, for
14 example, at the markets, and there are pickets, and they're
15 walking around with signs, but nobody is standing in the
16 doorway and preventing me from walking into that market if
17 I decided to cross that picket line. So, in terms of
18 picketing, that's been the general concept of picketing in
19 labor negotiations. There has been some violence, but when
20 there is a violence by a picketer the police and the court
21 can do something about it.

22 We don't seem to be able to do anything about
23 violent picketers' harassment at these clinics. So, I've
24 heard the proponents of the pro-life indicate that they're
25 in favor of picketing and the counseling, and I too am in
26 favor of their picketing, but I'd like for them to respond
27 to the kinds of picketing that we've heard about, if they
28 would.

1 CHAIRPERSON WATSON: Does someone want to come
2 forward? Can you come very quickly, and then we'll have
3 to move on.

4 MS. Curtius?

5 MS. CURTIUS: Yes. I have been involved in a lot
6 of picketing, less sidewalk counseling. I make a distinction
7 between the two, because picketing is a march, carrying signs,
8 sometimes a chanting, song, something like. Every one that
9 I have been involved in, and I have been involved in quite
10 a few, have always left the driveways and the entrances open
11 and the type of picketing that you're talking. Anyone who
12 would touch somebody coming in, I would think would be liable
13 for assault of attacking someone or touching them.

14 On the other hand, sidewalk counselors are--instead
15 of having 50 or 100 people--are usually a handful of, maybe,
16 3 who come on a regular basis to a certain clinic, either
17 weekly or a couple times a week, who do not carry signs or
18 anything like that, but who carry literature who often times,
19 as they see clients coming into the center hand them things
20 and ask them to consider their decision before they go in,
21 because they feel that they are not getting alternatives
22 inside.

23 I also feel that they should not be touching or
24 anything that would be thought of as assault or anything
25 like that, and I'm sure all pro-life organizations do not--none
26 of us want any kind of abusive treatment of clients going
27 to clinics. However, we do want--the counselors want to
28 offer them alternatives, and so they come on Wednesdays and

1 Saturdays, and stuff like that.

2 I did want to point out though, that when Senator
3 Watson asked me why I had brought up the harassment, I think
4 the testimony by the pro-abortion people has pointed out exactly
5 what they want. They do not want us picketing within so
6 many feet of their entrance. They don't want sidewalk
7 counselors, and that's why I worry that that is their goal
8 in restricting us.

9 But I do believe in peaceful picketing and
10 counseling.

11 SENATOR ROSENTHAL: I have no objection to peaceful
12 picketing and so-called "counselors." I don't know whether
13 you have a responsibility to inform them that they are not
14 to bodily touch anybody or prevent anybody from getting out
15 of a car or walking.

16 What do you think your responsibility is in those
17 cases?

18 MS. McMILLAN: Well, we do in those instances.
19 I think it's very important to realize that it's a very
20 emotional climate out there on both sides, and I would
21 certainly hope that the pro-abortion people would also follow
22 that.

23 I have personally viewed when a counselor--and
24 there is a difference, regardless of what the last person
25 who testified said. There is a large difference between
26 a picketer and a counselor.

27 SENATOR ROSENTHAL: What is the difference?

28 MS. McMILLAN: Well, the difference is, I think

1 just like Ms. Curtius said, it's the fact that somebody goes
2 out and pickets is practicing their first amendment right
3 to freedom of speech.

4 SENATOR ROSENTHAL: That's right.

5 MS. McMILLAN: They're out there saying, "We don't
6 like what's going. There's a lot of violence inside," and
7 they're trying to practice the American Way.

8 A counselor is somebody who says, "Wait a minute.
9 You're not going to get full informed consent inside that
10 abortion mill. We would like to give you the flip-side of
11 the coin. You will not get fetal development in there."

12 UNIDENTIFIED SPEAKER: That's right.

13 MS. McMILLAN: That's right. I mean, they agree
14 to it. You are not going to get the complications of
15 abortion and what has happened. Four times last year alone,
16 our organization, just one organization, was notified that
17 four women have died inside the abortion clinics. Those
18 are the kinds of things that we try to counsel women going
19 in there, because the law forbids us--or forbids the
20 abortionists--to give them that kind of counseling.

21 So, there is a very grave difference.

22 SENATOR ROSENTHAL: No, no. You're not answering
23 my questions.

24 What is the response of your organization to the
25 counselors, if in fact, they are harassing or--

26 MS. McMILLAN: We condemn that. We tell them not
27 to do that, and I would also hope the pro-abortionists would
28 do it.

1 I have personally viewed our counselors, when trying
2 to counsel, the escort service, that they call themselves--the
3 so-called "escort service" come up, grab the woman, and
4 say, "You don't need to listen to these people," and pull
5 them inside the clinics.

6 UNIDENTIFIED SPEAKER: That's right.

7 MS. McMILLAN: I mean, they admit it. Someone
8 just said, "That's right," and I thank you for verifying
9 that fact.

10 So, I think the harassment and bodily harm, or
11 whatever the--must stop on both sides, and I personally will
12 stand here as one of the leaders of the right to life movement
13 and ask that nobody touches, hurts, or harasses in that type
14 of form, and I certainly hope the people that verify what
15 I said about theirs would also come forward as the leaders
16 and say, "We want the harassing to stop on both sides."

17 Our counselors have been attacked. An abortionist
18 came out, not too long ago, and there was a civil suit filed
19 today, because he literally beat here, because of what she--
20 she was cutting into his profit making business.

21 CHAIRPERSON WATSON: Well, it's always interesting
22 to listen to both sides, because everybody says, you know,
23 the emotional impact of the situation, and so everybody is
24 guilty--

25 MS. McMILLAN: I agree.

26 CHAIRPERSON WATSON: --who has malice in their
27 mind.

28 MS. McMILLAN: I agree.

1 CHAIRPERSON WATSON: Now, I'm sitting here thinking
2 of a way to maybe leave a buffer zone from the entrance to
3 that abortion facility, that hospital, where nobody can
4 counsel or picket--

5 MS. McMILLAN: Well, I don't--

6 CHAIRPERSON WATSON: --and, just a minute.

7 MS. McMILLAN: Okay.

8 CHAIRPERSON WATSON: And we've done that. There's
9 precedence set for that: polling places, etcetera.

10 So, I'm thinking about it, because it sounds like--
11 and this is the last--I'm not taking any more testimony on
12 this issue.

13 DR. BROOKS: Okay, I'd like to make one comment,
14 Senator.

15 CHAIRPERSON WATSON: So, I'm thinking of something
16 that way.

17 MS. McMILLAN: Senator, let me just state to you
18 that if you do try to propose legislation that--or this
19 Committee--

20 CHAIRPERSON WATSON: Is this a threat?

21 MS. McMILLAN: No, no, no.

22 CHAIRPERSON WATSON: Okay.

23 MS. McMILLAN: This is--if the Committee does try
24 to propose legislation that would try to stop people from
25 counseling and practicing their first amendment right, I
26 do believe the right to life movement would strongly oppose
27 that.

28 CHAIRPERSON WATSON: You did not hear me. I don't

1 think you listen well.

2 MS. McMILLAN: You wanted a buffer so many feet
3 away.

4 CHAIRPERSON WATSON: I said a buffer zone, and
5 there's precedence for that, and so it would be according
6 to--

7 MS. McMILLAN: We would strongly oppose that.

8 CHAIRPERSON WATSON: I know you would.

9 MS. McMILLAN: Okay.

10 CHAIRPERSON WATSON: It would be according--well,
11 I'm a legislator--

12 MS. McMILLAN: Right.

13 CHAIRPERSON WATSON: I can do anything I want.

14 MS. McMILLAN: That's right.

15 CHAIRPERSON WATSON: Now, there is a--I mean, there
16 is a precedence already set for that for a good reason, and
17 I'm thinking something that is constitutional along those
18 lines, and I have not thought it through, and I will inform
19 everyone when I have thought it through.

20 I am going to call on the next witness, now.

21 DR. BROOKS: We're responsible--

22 CHAIRPERSON WATSON: May I call on Dr. Carol--

23 DR. BROOKS: --there's a buffer zone already
24 established.

25 CHAIRPERSON WATSON: You are not recognized. I
26 think I remember you from another hearing.

27 DR. BROOKS: I remember you from another hearing
28 also.

1 CHAIRPERSON WATSON: Well, if you're here to
2 disrupt--if you're here to disrupt--

3 DR. BROOKS: I'm not here to disrupt. I'm here
4 to--

5 CHAIRPERSON WATSON: Then, would you sit down.

6 DR. BROOKS: Let me speak, Senator.

7 CHAIRPERSON WATSON: Dr. Roberts--you're not--

8 DR. BROOKS: Let me speak.

9 CHAIRPERSON WATSON: No, he's had his turn--

10 DR. BROOKS: I'm here.

11 UNIDENTIFIED SPEAKER: Can't he speak?

12 CHAIRPERSON WATSON: --and I have allowed--no,
13 he's had his turn.

14 DR. BROOKS: You asked for additional--

15 CHAIRPERSON WATSON: I allowed two--

16 DR. BROOKS: --information on this.

17 CHAIRPERSON WATSON: I will have you removed from
18 the room if you're going to disrupt this hearing. (At this point
19 Dr. Brooks commenced to shout, and was forcibly removed from the
20 room by a Senate Sergeant-at-Arms.) We are
21 going to hear from those people. I heard from Susan McMillan,
22 twice, and I will hear from you again, Ms. McMillan, as long
23 as it's an orderly hearing.

24 Anyone who is disruptive, regardless of what side
25 that person is on, will be removed from this hearing room.
26 I recognize that gentleman from the last hearing. He used
27 the same tactic, and I would like to tell whoever is his
28 supporters that he will not be allowed in the hearing room
again if he continues to disrupt.

Sorry, Dr. Roberts. You're representing the

1 Birth Control Institute, Incorporated.

2 DR. ROBERTS: Yes. I have to tell you that this is
3 very, very difficult for me. I'm one of the directors who has
4 survived, but just barely, and I'm glad that you have a lot
5 of concern from the staff and the clients of these agencies,
6 because they're the ones who really ultimately suffer.

7 I had something prepared, but I think in view of what
8 just happened, I'm going to tell you the story of 40,000
9 pesos.

10 CHAIRPERSON WATSON: Can you speak right into the
11 mike.

12 DR. ROBERTS: Well, I can try.

13 CHAIRPERSON WATSON: Okay, that's good.

14 DR. ROBERTS: Does that help?

15 CHAIRPERSON WATSON: Yes.

16 DR. ROBERTS: We're picketed every Saturday morning
17 by several groups in San Diego. We had a woman come to our
18 clinic. She was 42-year-old Hispanic woman from across the
19 boarder. She had 10 kids, and she was pregnant, and she
20 very much wanted an abortion.

21 CHAIRPERSON WATSON: We're trying to record this
22 hearing, and I'm going to have to ask you to--

23 DR. ROBERTS: I'm sorry.

24 CHAIRPERSON WATSON: Yeah. Get real close and
25 speak as loud as you can.

26 Thank you.

27 DR. ROBERTS: Um--

28 CHAIRPERSON WATSON: That's good. That tone is

1 good.

2 DR. ROBERTS: Good, I won't move.

3 She went through her counseling, and
4 she was a second trimester procedure. We do second
5 trimester procedures through 15 weeks, and she was
6 between 12 and 15 weeks from the first day of her last
7 menstrual period. She came into the clinic on Friday
8 afternoon for laminaria to be inserted--I think that Mr.
9 Rosenthal would like to hear this--and the laminaria was
10 inserted. She had no place to stay that night, so she
11 called a local community clinic that offers places to stay
12 and help.

13 That local community clinic had been infiltrated
14 by pro-life people, so when she called for information,
15 she was referred unknowingly to a pro-life household to
16 spend the night. She spent the night there, unwittingly
17 told them her story, that she was going in for an abortion,
18 and they kept her up all night trying to convince her to
19 not have an abortion.

20 The procedure, once laminaria is inserted,
21 has already started. There is no turning back. It's a
22 two-day procedure. The client is well aware of this. There
23 are no bones made about, and many people change their minds.
24 This woman wanted an abortion. She had no money.

25 She was back to the clinic on Saturday morning,
26 and as she got out of the car with this pro-life woman,
27 she was literally surrounded by a group of ten picketers,
28 literally surrounded. They took her to Tijuana in their

1 car. They had the laminaria removed from her, gave her
2 no instructions, told her nothing, gave her no medication,
3 and told her to go home. Four days later, she showed up
4 on our doorstep wanting an abortion.

5 Once a procedure like that has been started, it's
6 very, very dangerous, once the laminaria has been removed
7 to try to do it again. First of all, that leads to
8 miscarriages, that leads to all kinds of horrible infections.
9 This woman could very well have died had she not come back
10 for medical care. She wanted an abortion so badly, that
11 she sat on our doorstep for two days while we tried very
12 hard to find a doctor in a hospital that would see her.

13 She had left from her original money 40,000 pesos,
14 which equals about \$40. She had bought her children food,
15 at least this is what she was telling us. We finally convinced
16 our doctor to do the procedure, and she was seen. We put
17 her up in a motel, and she was so very grateful. She was
18 crying.

19 But a picket removing a client who has a procedure
20 in progress from the front door of a clinic--

21 CHAIRPERSON WATSON: Was she taken against her
22 will to Mexico?

23 DR. ROBERTS: Yes, but she did not know how to
24 say "no." You have to realize the difference in culture.
25 If a man approaches a Hispanic woman, she's not going to
26 be very, very vocal in saying--telling them where she thinks
27 they should go. They're very cooperative in that way.

28 So, I'm not saying well at all, but this is something

1 that is very, very dangerous and certainly potentially
2 life-threatening to the clients. The pickets have no idea
3 who has a procedure already in progress.

4 We insert laminaria on first trimester patients,
5 quite often, if their cervix is tight. No one knows who
6 has laminaria inserted, and yet these pickets will come
7 up to the front steps and try to take women off the front
8 steps without any kind of medical knowledge as to what
9 is going on with each woman's body.

10 SENATOR ROSENTHAL: May I--

11 CHAIRPERSON WATSON: Yes, Senator Rosenthal.

12 SENATOR ROSENTHAL: You say the pickets will
13 do this. Are these the placard bearing--

14 DR. ROBERTS: No, sir. These are the sidewalk
15 counselors.

16 SENATOR ROSENTHAL: Okay.

17 DR. ROBERTS: I think that we are probably one
18 of archetypal clinics in terms of violence, in terms of
19 harassment, and certainly in the State of California.

20 We have been firebombed twice. Neither fire-
21 bombing has been solved. There are suspects. One of the
22 ladies who testified mentioned that in San Diego there
23 had been an arrest made, and it was not a pro-life person.
24 There were never charges brought against this person, because
25 there is no proof that this person ever did the firebombing.
26 So, we have two firebombs that remain unsolved.

27 I have pictures of them if you'd like to
28 see them.

1 CHAIRPERSON WATSON: I don't think you need to
2 show them, we appreciate your testimony.

3 DR. ROBERTS: Fires look like fires.

4 I have received death threats, saying that "Death
5 stalks at my job, murderess bitch," and threatening to
6 inject me with a saline solution while I am sleeping. I
7 have had the lug nuts of my car wheels loosened to within
8 a half a turn, and the mechanic informed me that only my
9 mag wheel locks kept my wheels on. I have had prowlers
10 around my home. I have had vandalism at my home.

11 We have had four bomb threats, each of which closed
12 the clinic for three hours, suspending services for clients,
13 one of which delayed the start of clinic--of a surgery
14 clinic for three hours while the police evacuated the
15 neighborhood as well as evacuated our building.

16 CHAIRPERSON WATSON: The interesting thing to
17 me is that the other side who abhors violence, you know,
18 these people who are threatening you are just as violent
19 as they say those who support choice are. I don't know
20 where there's a distinction drawn. Is it righteous violence,
21 or it is--

22 DR. ROBERTS: The pickets--

23 CHAIRPERSON WATSON: We have a copy of the death
24 threat letter to you, and I know I have been sent the same
25 kind of thing, and I have never called anyone a murderer.
26 I have been called that myself, so I don't know if it's
27 righteous indignation that allows people that authority,
28 but I can sympathize with you and the harassment and the

1 pressure.

2 DR. ROBERTS: Let me say that the pickets, during
3 the bomb threat where the buildings were evacuated, were
4 saying things like, "Of course this happened." "You people
5 deserve this." "This is the best thing that ever happened."
6 "We're glad we did it." Things like that.

7 CHAIRPERSON WATSON: These are people who support
8 the death penalty, I gather, too, huh?

9 DR. ROBERTS: None of these crimes have, obviously,
10 been solved in California. In California of all the fire-
11 bombings, arsons, attempts, everything else, nothing has
12 been solved. There have been no indictments and no convictions
13 in the State of California. I think that's really important.

14 CHAIRPERSON WATSON: I think that's what we're
15 trying to get to with our legislation, and I do hope to
16 have a follow-up piece.

17 DR. ROBERTS: It also takes two to five police
18 cars at each of these places who do have police cooperation
19 every Saturday morning, and that's a lot of money from
20 each city that needs to be looked at as well.

21 CHAIRPERSON WATSON: Okay, thank you so much.

22 Any questions, comments?

23 I do want to welcome to our hearing Senator
24 McCorquodale.

25 SENATOR McCORQUODALE: Just in line with the questions
26 that were being asked earlier, I'm sorry I was late and
27 you might of already gone over this, is it being held out
28 that there's a difference under the first amendment protection

1 for picketing versus counseling, or is that not--was that
2 issue raised?

3 CHAIRPERSON WATSON: That--we are getting to trying
4 to clarify what is a counselor, and what is a picketer.
5 That question has been raised by Senator Rosenthal.

6 I have not seen anywhere in the law, in statute
7 or proposed legislation, that clarifies the rights of a
8 picketer versus the rights of a counselor, sidewalk counselor.
9 I think it's an interesting question that we should look
10 into, and we should probably have a definition. I think
11 that would help all of us, and we should probably propose
12 some way of allowing picketers and counselors their
13 constitutional freedoms along with their constitutional
14 responsibilities in this regard, and I think that's what
15 we're talking about here. What is the responsibility of
16 a person, who is practicing within the legal framework
17 of their constitutional rights, and what moves out of that
18 framework?

19 So, that that's what we've been trying to get
20 to this morning.

21 SENATOR McCORQUODALE: I guess it was a little
22 confusing to me in that there is no constitutional right
23 for picketing. There's a constitutional right for freedom
24 of speech, unless we're interpreting that picketing is
25 one way to exercise that. I just assume that the counseling
26 was exercising freedom of speech. Both would be protected
27 under the same, and I was just curious as to whether somebody
28 had raised the issue.

1 CHAIRPERSON WATSON: Ms. McMillan, I think, described
2 effectively, the difference between the two, but you might
3 want to come back to the mike. I want you to understand,
4 I'm not trying to cut off input, I just don't want people
5 up here who cannot follow our rules that we set up.

6 MS. McMILLAN: No, I understand that.

7 CHAIRPERSON WATSON: Okay. You might want to
8 make the distinction now, as you see it, between your
9 counselors and picketers.

10 MS. McMILLAN: I'm going to repeat what I said.
11 Picketers are people who are really practicing, as you
12 said that is a form of practicing your first amendment
13 right, and going in front of the abortion clinics and making
14 a statement to society and the people within and without
15 that we believe that this is wrong; whereas, counselors
16 are people who are not picketing, but indeed are trying
17 to be, I guess, the last information of the other side
18 of this issue that these woman are going to receive, because
19 they do not receive full information. There's no such
20 thing as fully informed consent for the women inside the
21 clinics.

22 They are told about the procedure. They are not
23 told about fetal development, or the complications, or--even
24 women have come to us and said that the alternatives are
25 just glossed over and literally almost thrown away, and
26 so what we try to do is give them that information. If
27 we had laws where this information would be given in abortion
28 clinics, and we tried that, then there would not be

1 a need for abortion counselors--or sidewalk counselors,
2 because the abortion counselors could give the entire spectrum,
3 but they do not do that.

4 So, that that is the difference is that are trying
5 to give the women the information that they so badly need,
6 and it is a form of practicing, you know, their first amendment
7 rights also.

8 SENATOR MCCORQUODALE: Well, that was the point.
9 I was--it seems like, then too, internally you might define,
10 so that people know what they're going to do when they
11 go out there, but you view the right of each to be there
12 based on the first amendment, not some other law. I was
13 just curious as the whether it had been raised that there
14 was another basis for people--for counselors to be there
15 versus the picketing.

16 MS. McMILLAN: Yes, I do view both as practicing
17 their first amendment. I would hope that perhaps this
18 Committee may look into the fact that full, complete
19 counseling, by law, would be demanded inside the abortion
20 clinic, and then perhaps you would alleviate the need for
21 sidewalk counselors.

22 CHAIRPERSON WATSON: The law currently says that
23 they must--the counselors within, inside of the family
24 planning clinics, must give the full range of options to
25 the patient.

26 Now, I am just wondering
27 if the gentleman from the Department of Health Services,
28 whose been spending so much time in some of these clinics,

1 is looking to see if they are indeed following the intent of
2 the law. If not, we ought to call on him to see if we
3 can't strengthen it, because the law says you must do
4 it, already.

5 MS. McMILLAN: Well, Senator, yes, I agree it
6 gives the options, but these women are not just giving
7 the options. What they're doing is giving fetal development;
8 they're talking about complications that can occur from
9 first--

10 CHAIRPERSON WATSON: But what I was trying to
11 clarify for you, is that the law already speaks to what
12 the responsibilities are. Apperently, it's not being
13 enforced, is what you're saying.

14 MS. McMILLAN: No. What I'm saying is that the
15 law says it only has to be limited. They do not have to
16 give full information. I think when I stood up here and
17 said, "We don't give fetal development," one of the pro-
18 abortionists said, "Yeah, and we're not going to," or something
19 to that effect.

20 They know they're not giving fetal development.
21 They never have. They have fought us at every turn of
22 the road to give fetal development. One of the things
23 that we hear--

24 CHAIRPERSON WATSON: Oh, I see. I see what you're
25 saying.

26 MS. McMILLAN: --time and time again--

27 CHAIRPERSON WATSON: You're saying that we need
28 to include--

1 MS. McMILLAN: --is that women come to us and
2 say, "We didn't know. Nobody told us. They said it was
3 a simple, easy procedure, and that 'Well, yeah, abortion--
4 adoption is one option, but you're 15 or 16 years old,
5 and so what is the best for you?'"

6 They don't give the kind of alternative that we
7 feel is really correct, and so that's why we are out there
8 giving--and if a law would give that, then perhaps we wouldn't
9 need sidewalk counselors.

10 CHAIRPERSON WATSON: Thank you.

11 MS. McMILLAN: Thank you.

12 CHAIRPERSON WATSON: I want to move beyond, if
13 you'll hold your comments and let me hear from the other
14 speakers, and then with the time we have left, we'll hear back
15 from you. I don't want to get off on just this one issue,
16 because then we won't be able to hear other speakers.

17 Marjorie Fites Seigle from Planned Parenthood,
18 Orange County.

19 MS. SEIGLE: Good morning, Senator Watson and
20 other members of the Senate Committee on Health and Human
21 Services, on behalf of Planned Parenthood, Orange County,
22 and 25,000 persons to whom we give services annually, I
23 thank you for the opportunity to present testimony before
24 you.

25 I am Margie Fites Seigle, the executive director
26 of Planned Parenthood, Orange County. I have been the
27 executive director there for six years.

28 Planned Parenthood, Orange County, has been serving

1 women and men for over 20 years. Our services include
2 basic gynecological and birth control services, education,
3 and information, and counseling. We employ 35 professional
4 and support service staff persons and offer medical services
5 in four locations.

6 For many years, we've enjoyed a peaceful co-existence
7 with persons who do not believe that women and men should
8 have the basic right to determine whether, and or when,
9 they will bear a child and accept the responsibility of
10 parenting. We've had a few picketers at our annual meetings,
11 and few persons expressing their concern about our opening
12 a medical facility in South County, but nothing which disrupted
13 nor endangered the lives of persons. That peaceful co-existence
14 ended in late 1984.

15 During the month of December, anti-choice slogans
16 were carved into the doors at our main facility in Santa
17 Ana. Those slogans were usually similar to the statement,
18 "Fetal heart beats life." On Sunday afternoon, December
19 23rd, doing a routine check of the property, Santa Ana
20 police discovered an aborted firebombing attempt. A homemade
21 Molotov cocktail-type bomb had been placed adjacent to
22 the building. When the bomb exploded the flammable liquid
23 poured toward the parking lot rather than against the building
24 due to the slant of the sidewalk. An area approximately
25 five feet wide and the height of the building was scorched
26 and a window was broken. We were very lucky.

27 During the week of January 21, 1985, rocks and
28 pieces of cement blocks with anti-choice slogans were thrown

1 through 11 of our windows. We had a large number of persons
2 carrying signs and shouting anti-choice verbiage to our
3 guests at our annual meeting.

4 I received a threatening phone call at home warning
5 me to "Watch my child for she would soon be dead." At
6 that point, my child was 22 months old.

7 What were some of the effects of these situations?
8 Patients called expressing a concern for their physical
9 safety prior to coming for medical services. Patient "no show"
10 rate for appointments increased during the week immediately
11 following the violence. Staff expressed concern for their
12 own physical safety. Valuable financial resources were
13 used to install a fire-heat-motion detector security system
14 and to armor coat our windows.

15 During a five- to six-week period, over 60 hours
16 of staff time was diverted from their main responsibilities
17 to respond to media inquiries. The property management
18 of a medical building, in which Planned Parenthood has
19 a medical facility, removed all identification signs regarding
20 Planned Parenthood making it very difficult for patients
21 to locate the medical office.

22 Planned Parenthood property insurance was cancelled.
23 Coverage was later secured at a greater cost and a \$25,000
24 deductible per incident. Property owners, at best, are
25 reluctant to rent to Planned Parenthood.

26 My home phone was tapped in an attempt to identify
27 the threatening phone caller. To date, we have been very
28 fortunate that no persons were injured, and that no lives

1 were lost as a result of this violence, but there's always
2 that possibility.

3 We do not always work 9:00 to 5:00. We change
4 our schedules to accommodate the needs of those persons
5 who are seeking the varied services offered through Planned
6 Parenthood. Some days, we begin medical services at 6:30 a.m.
7 Some days, we work until 10:00 p.m. The maintenance crews
8 and laboratory technologists work extremely varied hours.

9 These acts were not random attempts to damage
10 property. They were deliberate acts of violence meant
11 to destroy. They were deliberate acts of violence meant
12 to harm individuals who offer medical and educational services.
13 They were deliberate acts of violence meant to frighten
14 patients away from receiving basic medical services. They
15 were deliberate, unlawful, and absolutely unacceptable
16 acts of violence meant to do more than express a minority
17 opinion that men and women should not have the right to
18 choose medical and educational services that they find
19 desirable. They were meant to terrorize.

20 The violence has not stopped. In the last two
21 weeks, bombs addressed to family-planning clinics in Portland
22 were discovered. These bombs were meant to harm and to
23 perhaps kill those persons opening them, and in a New York
24 City family-planning clinic a bomb exploded in a bathroom
25 during office hours. This bomb was meant to harm and kill
26 persons seeking medical services.

27 The violence against family-planning facilities
28 must be stopped. Severe penalties must be imposed on persons

1 responsible for the direct attack upon family-planning
2 and abortion facilities.

3 Public officials should speak loudly against such
4 violence directed toward family-planning and abortion clinics.
5 All law enforcement resources must be used to identify
6 persons responsible for these acts upon family-planning
7 and abortion facilities and to prosecute to the full extent
8 of the criminal law.

9 This type of violence is absolutely unacceptable
10 in this country. This is a nation where freedom of choice,
11 whether in terms of religion, education, political beliefs,
12 or personal values, stand at the very center of our history,
13 our laws, and our collective experience. There is no place
14 for terror. Elected officials, secure in the knowledge
15 that they have public support, must lead the way. To do
16 so is the very essence of the American Way.

17 Thank you.

18 CHAIRPERSON WATSON: Thank you very much.

19 Alexandra Mendelsohn with Planned Parenthood,
20 Shasta-Diablo.

21 MS. MENDELSON: My name is Alex Mendelsohn. I'm
22 director of abortion services at Planned Parenthood in
23 Concord. I'm here today representing Planned Parenthood
24 of the Shasta-Diablo affiliate which spans five counties
25 in Northern California. We serve--we have, excuse me.
26 We have 14 clinics in those counties, and we provide a
27 variety of services.

28 I'd like to clear something up before I start, and

1 that is to say that for any service that a patient comes
2 to our clinic at Planned Parenthood, or any other--or any
3 other clinic in California, every patient is given a sheet
4 which states very clearly all the complications, all the
5 dangers, and all the possibilities of any kind of surgical
6 service.

7 CHAIRPERSON WATSON: Do you have a copy of that?

8 MS. MENDELSON: No, I don't, but I know that
9 it can be gotten fairly easily.

10 CHAIRPERSON WATSON: It might be nice if you
11 shared that with Ms. McMillan.

12 MS. UITTI: And with us.

13 MS. MENDELSON: Okay. Okay, I can arrange that.

14 Informed consent is something that the Feminist
15 Women's Health Centers and Planned Parenthood have founded
16 providing their services on, and this is something very,
17 very important that the anti-abortion and anti-family-planning
18 movement is trying to misinform the public about.

19 At the clinic that I work at, we see approximately
20 seven to eight percent of our patients that are abortion patients,
21 and we provide services to approximately one thousand patients
22 a month in Concord alone.

23 I'm very appreciative of this hearing today. I
24 think that it's obvious that it's very timely. I think
25 that it's clear from the testimony that you've heard, and
26 from the myriad of incidences that all of us have lived
27 with, that you may not know anything, that we have a very,
28 very serious situation on our hands. It's a very dangerous

1 situation, and it's one that's out of control.

2 It has disastrous and frightening consequences
3 if it's left unattended.

4 Joseph Shiedler is the major national leader of
5 the largest anti-abortion and anti-family-planning organization
6 in the country. He has claimed 1985 to be the "Year of
7 Fear and Pain" for abortion providers, staff, and patients,
8 and he and his organization have succeeded. I would like
9 to tell you how and why.

10 We have always had picketing at clinics. We have
11 always had people on the sidewalk carrying placards,
12 distributing literature, and this is orderly and respectable
13 dissent, but we have never experienced the harassment to
14 the degree that we experience now. At the end of 1984,
15 which was ended with five clinic bombings in the east coast
16 in a two-week period, we experienced an increase in picketing
17 and anti-abortion activity. Where before we had ten picketers
18 marching quietly on the sidewalk, possibly one time a week
19 for two hours, we suddenly had thirty, very vocal, very
20 hostile picketers running up to patients, screaming at
21 patients--"You're murdering your baby. You're committing
22 a crime. Let your baby live. Let your baby have a birthday
23 as you've been able to have."

24 As 1985 began, again the "Year of Fear and Pain."
25 Our patients and staff became targets of the kind of harassment
26 that no one, exercising her legal rights, should have to
27 endure.

28 I would like to describe to you a typical day

1 in January of 1985 for a patient. A patient calling for
2 any kind of service, including the 92 percent who called
3 for non-abortion related services, immediately expressed
4 concern about their physical safety. Again, I want to
5 remind you of the backdrop of five clinics having been
6 bombed in Florida, Maryland, and Washington. Of course,
7 being aware of this recent bombings, their fear was greatly
8 aggravated by realizing that harassment had now reached
9 into their own communities.

10 Despite this, the need for services was so great
11 that patients were willing to take that risk. When a patient
12 called for an appointment, she was told there would be
13 picketers out in front of the clinic, that the front door
14 to the clinic would be locked, and that a staff person
15 would escort her into the clinic. When she drove up to
16 park, in the garage or the adjoining parking lot, ten picketers
17 would surround the car. They were yelling and screaming
18 abusively at her, at being a murderer. They made it virtually
19 impossible for a patient to get safely out of her car.

20 As a staff person, I tried many times to intercept
21 and help patients out of the car and walk them to the clinic.
22 As we would walk to the clinic, we would be surrounded by
23 these same ten menacing, hostile, abusive picketers, screaming,
24 shoving literature, shoving babies at the patients. They
25 sometimes tried to barricade the door. They sometimes
26 peered into the waiting room and screamed at the patients
27 inside the waiting room.

28 Sometimes they approached patients impersonating

1 staff. They would walk them to the front door, and then
2 they would turn around and shout at them, "But you are
3 murdering your baby. Don't you realize that." Or other
4 times, they dress themselves in surgical scrubs, pretending
5 to be doctors, went up to patients and introduced themselves,
6 and said, "Hi. I'm your doctor today, and I'm going to
7 chop your baby up into a thousand little pieces."

8 When patients--

9 CHAIRPERSON WATSON: You know, I was just asking
10 my consultant, because I've had the "murderer" thrown at
11 me, too. You know, we have laws against slander and liable.

12 MS. MENDELSON: Mm-hmm.

13 CHAIRPERSON WATSON: Murder is a felony--

14 MS. MENDELSON: Mm-hmm.

15 CHAIRPERSON WATSON: --punishable in a court
16 of law, and the Supreme Court has ruled that some abortions
17 are legal, and I'm wondering if you can--if we can stop
18 this kind of thing by looking at the laws for slander and
19 liable, because I don't think that any picketer has the
20 right to accuse you.

21 So, I'm going to look into that, because I think
22 that might be something that we can stop.

23 MS. MENDELSON: I think it needs to be stopped.

24 CHAIRPERSON WATSON: We talk about freedom of
25 speech, but there are limits and conditions on that freedom,
26 too.

27 MS. MENDELSON: When patients were able to get
28 into the clinic, they repeatedly expressed the same sentiment

1 of outrage and fear of having to go through an experience
2 like this.

3 I think common sense alone will tell you that
4 surgery is best done in a calm atmosphere, and clearly
5 this atmosphere was not conducive to that. As a result
6 of emotionally charged state of patients, complications
7 did arise.

8 I'd like you to imagine yourself making a decision
9 regarding a surgical procedure that was difficult to make,
10 and then having to be in this kind of emotional war, kind
11 of, environment.

12 As the anti-abortion activity continued, we decided
13 that we needed to better protect our patients and staff
14 and pursued legal means. In March of 1985, we were granted
15 an injunction, which kept the picketers on the sidewalk,
16 off the driveway, and away from the clinic itself. This
17 injunction was relatively ineffective, because picketers
18 refused to abide by it. They repeatedly violated the court
19 order, sometimes as many as eight times a day.

20 The police department had a great deal of difficulty
21 arresting and enforcing the injunction. The police were
22 exasperated at being called out to the clinic as many as
23 15 to 20 times a week.

24 The picketers conducted what is called a "blitz,"
25 which makes it almost impossible for the police to arrest
26 them. A blitz is something that Joseph Shiedler wrote
27 about in his book, called "99 Ways to Close Down an Abortion
28 Clinic." He devotes an entire chapter to a blitz. A blitz

1 is when you know that there is an injunction, and that
2 you're willfully violating the law. You run up to a patient
3 at the front door; you scream at her; you shove literature
4 at her, which she does not want to accept; or you surround
5 the car, and then you take off when you see a staff person
6 is going to call the police. They jump into their cars,
7 and they go to another clinic and do the same thing again,
8 again, again, and again.

9 Upon suggestions from the police department, we
10 sought and acquired a more precise injunction, and this
11 we received in October, recently, of 1985. Prior to the
12 injunction, we had illegal activity. We had cars tampered
13 with. We had tires slashed, and we had three staff cars
14 blown up. Three days after the more precise injunction
15 that we received in October, we again saw--

16 CHAIRPERSON WATSON: Can you send us a copy of
17 that injunction?

18 MS. MENDELSON: Yes.

19 CHAIRPERSON WATSON: Thank you.

20 MS. MENDELSON: We again received--we--three
21 days after the injunction, we again had an increase in
22 illegal activity. We had bomb threats. We had the alarm
23 system to the clinic broken. We had mail opened, which
24 revealed in it 50 patient names. We had the door locks
25 jammed. We started to receive several menacing calls.
26 The landlord, who owns our building, has been picketed
27 at his house for the last five weeks, and his family members
28 have been followed.

1 It's become clear to us that we have exhausted
2 the resources available to us.

3 I'd like to tell you about our most recent bomb
4 threat, which was three weeks ago. We received a bomb
5 threat on a Saturday morning during an abortion clinic
6 and family-planning clinic. We were given 20 minutes to
7 evacuate the building, which we did. We evacuated patients
8 to the adjoining parking lot, which is a public parking
9 lot, because the bomb threat person had said the entire
10 building and garage would be exploded. Within five minutes,
11 40 picketers coincidentally descended on the patients in
12 the parking lot. They screamed abusively at patients.
13 They took pictures of patients. They wrote down license
14 plate numbers, and they surrounded the cars screaming
15 menacingly the entire time.

16 We were able to re-enter the building an hour
17 after the police had searched the building and found no
18 bomb. Every single patient was given the opportunity to
19 re-schedule her appointment, and not a single patient wanted
20 to do that.

21 As health care providers, we are concerned that
22 in the near future, patients are going to be forced to
23 make the choice between remaining safe and seeking medical
24 attention and services they need. Patients in counties,
25 like Solano County where there are no other abortion or
26 family-planning providers, they may be forced to travel
27 long distances out of their community to seek medical care
28 in an effort to avoid harassment and bombing.

1 I think, needless to say, the 35 of us that work
2 at my clinic alone are extremely tense. The environment
3 provokes tremendous fear and anxiety.

4 Two weeks ago, when these napalm bombs were destined
5 for the Portland--and other clinics in Oregon, it frightened
6 us greatly. Last week, a New York City clinic was bombed
7 during working hours. They had five minutes to evacuate
8 the building, and the bomb went off in the women's bathroom.

9 To work in this environment requires an inordinate
10 amount of courage. One takes a risk now to open the mail.
11 One takes a risk to answer the phone. One takes a risk
12 to see someone come into the lobby carrying a bag and not
13 knowing what might be in that person's handbag. One takes
14 a risk to go to one's car at night, and the list goes on.

15 As a health care professional, particularly in
16 the area of women's health, I expect disagreement. However,
17 this has moved outside the arena of lawful protest and
18 debate regarding the morality or immorality of abortion.
19 Institutions and people are hesitant, I believe, to take
20 action, because they mistakenly believe that that is the
21 issue. The morality of abortion is not the issue. That
22 is now a separate issue. The issue is the right of individuals
23 to exercise their legal rights without threat of death
24 from bombs. That is what we are addressing today.

25 Whatever you decide to do as a Committee; whether
26 it's increase the penalties for arson, bombings, and bomb
27 threats; or whether it's to create a Commission to investigate
28 who these people are and how to prevent their activities; or

1 whether it's to require that ringleaders not engage in
2 anti-abortion activity after they have been arrested three
3 times for at least five years; I urge you to take action
4 immediately.

5 You are the people who have the power to save
6 lives. Up until now, no one has been killed, thank God,
7 but it is clear the situation is rapidly escalating. Because
8 no one has stopped them, because these people are taking
9 the law into their own hands, it's as though they have
10 a license, a license to threaten, a license to torment,
11 and a license to potentially murder innocent people.

12 I urge you very strongly to intervene and do something
13 now.

14 CHAIRPERSON WATSON: Thank you.

15 MS. MENDELSON: Thank you.

16 CHAIRPERSON WATSON: Edie Berg, Oakland Feminist--

17 SENATOR ROSENTHAL: Let me just--

18 CHAIRPERSON WATSON: Yes, Senator Rosenthal.

19 MS. MENDELSON: Yes.

20 SENATOR ROSENTHAL: You indicated that people
21 were taking pictures--

22 MS. MENDELSON: Mm-hmm.

23 SENATOR ROSENTHAL: --of individuals and licenses?

24 MS. MENDELSON: Yes.

25 SENATOR ROSENTHAL: What would happen if you started
26 the same thing? What if, for example, you were to photograph--

27 MS. MENDELSON: We have done that.

28 SENATOR ROSENTHAL: Okay.

1 MS. MENDELSON: If I can--

2 SENATOR ROSENTHAL: And then have some citizen's
3 arrest.

4 MS. MENDELSON: Mm-hmm.

5 SENATOR ROSENTHAL: Have you attempted that?

6 MS. MENDELSON: At my particular clinic, we decided
7 that it would be best to have the police department do
8 the arresting and not do a citizen's arrest, although we
9 are well aware of that as a--as an opportunity.

10 I think the problem is, is that with a citizen's
11 arrest it goes to the district attorney's office, and it
12 takes a very, very long time for any kind of prosecution
13 to occur if there were to be any. I think that part of
14 the problem is that--as other people have spoken--is that
15 there is no body to directly deal with these people.

16 In taking pictures, which we have done every single
17 time we have had picketers, which is roughly three times
18 a week for the last year--I have millions and millions
19 of pictures of these people, and at this point out of,
20 probably 60 picketers that we have on a regular basis,
21 I've only been able to identify 16 of them. They do not
22 want to be accountable for their actions.

23 SENATOR ROSENTHAL: Might be something that could
24 be done with the 16.

25 MS. MENDELSON: They're actually--they all have
26 sentences--well, not sentences. They all have hearings
27 for being in violation of the court order from now until
28 some time in mid '86, that I'm aware of.

1 SENATOR ROSENTHAL: So, they're in violation of
2 the court order?

3 MS. MENDELSON: Mm-hmm.

4 SENATOR ROSENTHAL: It seems to me, there ought
5 to be some way of--I'm not familiar with injunctions, in
6 terms of court orders, but when somebody violates a court
7 order, the judge, I believe, is empowered to do something
8 about that.

9 CHAIRPERSON WATSON: Yes.

10 MS. MENDELSON: Mm-hmm.

11 CHAIRPERSON WATSON: They're are stay-away orders.
12 They're penalties for violation of it.

13 SENATOR ROSENTHAL: That's right.

14 CHAIRPERSON WATSON: And she said they are hearings
15 pending, where then the Court will act on the violation.

16 MS. MENDELSON: Mm-hmm.

17 CHAIRPERSON WATSON: Maybe we can strengthen
18 those laws.

19 MS. MENDELSON: Yes. I would very much appreciate
20 that, and I think that that is something that should be
21 done, because I think until these people are fined and
22 penalized, they have the permission to go ahead and do
23 what they're doing, repeatedly.

24 There are many, many people at my clinic alone
25 who have been arrested and who have violated the court
26 order, as many as 20 times, and I'm not exaggerating. That's
27 probably an underestimation.

28 CHAIRPERSON WATSON: Okay, thank you very much.

1 MS. MENDELSON: Thank you.

2 CHAIRPERSON WATSON: Edie Berg, Oakland Feminist
3 Women's Health Center.

4 MS. BERG: My name is Edie Berg. I'm from the
5 Oakland Feminist Women's Health Center. I direct the Southern
6 California clinics in Los Angeles and Orange County, and
7 we also have four clinics in Northern California.

8 I would like to add to the previous testimony
9 that Margie gave, just to say that I think all of us have,
10 over the last at least a couple of years, been involved
11 in lawsuits against the picketers and anti-abortionists,
12 and we have very often found ourselves in the position
13 of having to do the arresting, in the form of a citizen's
14 arrest, or in the situation that Kathy Hodge was describing
15 in Santa Ana, we were having to do the surveillance and
16 the intelligence work and the arresting.

17 It was our clinic manager, in fact, who had--who
18 made a citizen's arrest of a person who did end up to confessing
19 to two of three fires that were set there, that were obviously
20 arson fires. However, the part that she didn't include
21 was that at the point when she was going to the ATF and
22 doing everything but pleading to have somebody come and
23 survey the clinic, because it was so obvious that the
24 occurrences were happening repeatedly, that very night
25 Kathy intercepted a fire that was set, and apparently this
26 particular fire was, because of the elements that were
27 used, did appear to be a more serious fire. There was
28 never even any report of that fire. There was never even

1 any way to follow up on it, and there is by no means any
2 way to assume that the person who was apprehended for the
3 other two fires was the person who set this fire.

4 CHAIRPERSON WATSON: Senator Rosenthal?

5 SENATOR ROSENTHAL: What happened to the person
6 who was accused of setting the two fires?

7 MS. BERG: There was a very long question of whether
8 or not, again the jurisdiction problem, of whether it was
9 in the jurisdiction of the state or whether it was in the
10 federal jurisdiction. My understanding is that he is undergoing
11 counseling. There has been no prosecution yet.

12 The other thing I wanted to address, I wanted
13 to underscore the fact that I do believe that what we're
14 talking about here is--I mean, many people have mentioned
15 the bombings and the effect on the clinics as legitimate
16 businesses providing needed services in the community, and
17 how we have been harmed by the violence. People have talked
18 about the effect on the staff, and people have talked about
19 the increase in insurance and the security measures that
20 we have to take--that we have to take.

21 I want to underscore the fact that we're talking
22 here about women's rights to receive medical services,
23 and I just have to say that I think, over and over, we
24 lose sight of who it is that we're talking about here.
25 Senator Watson, when you mentioned creating a buffer zone,
26 I really have to say that I think that is something that
27 I think would be extremely helpful. In the injunctions
28 that, as individual clinics, we've taken out and usually won,

1 we have always strived to have some kind of a distance
2 put between the women and the picketers and some kind of
3 a limitation of the number of picketers.

4 Sometimes we're more successful than others. In
5 San Diego, they were able to have the picketers removed
6 to the opposite side of the street. In Santa Ana, we weren't
7 able to do that at all. The picketers were able to actually
8 stand in the parking lot and continue accosting women.

9 I think that would be very helpful, but I just
10 want to remind everybody that we're talking about a woman
11 walking into a clinic to receive medical care. She not
12 only has a right to receive that care, she also has a right
13 to have privacy about what that care is. When we're talking
14 here about sidewalk counselors, I don't know where sidewalk
15 counselors got the right to come up and say anything to
16 anybody who's walking into a clinic to get medical care.
17 It's not any of their business what that woman is doing
18 there, and it's certainly none of their business to assume
19 that she's going in there to have a particular type of
20 procedure.

21 I feel that this is something that often gets
22 lost, and we tend to think that we're talking about an
23 equal situation here. I don't think the woman, who's going
24 in to get medical care, is an equal participant of this
25 drama, and I don't believe that we're talking about anybody
26 having a right to interfere with her.

27 I wanted to talk, specifically, about the Los
28 Angeles Feminist Women's Health Center, because a year

1 ago--actually less than a year ago, the clinic in Los Angeles
2 was burned to the ground, and I want to talk about this,
3 because I know we've talked a lot here today about the
4 difficulties in law enforcement. Whose jurisdiction is
5 it? Do we get a response from the police or the fire
6 department or the ATF?

7 In the case of fire in Los Angeles, it was a 17-alarm
8 fire. It occurred on April 8th of 1985. The entire clinic
9 was destroyed. It was completely destroyed. I, just on
10 Friday past, received a preliminary report from the fire
11 department about that fire. I had had daily contact with
12 the fire department. I had had daily contact with the
13 ATF, and I had been told daily, and then weekly, and then
14 monthly a report was coming, a report was coming, and it
15 wasn't until Friday that I was able to get a report, possibly
16 through the assistance of Jane Uitti, who also inquired
17 about it for us.

18 Several months ago, I was told that I could come
19 down and pick up the report. I was given the date, and
20 I went there, and I was told the report was not available,
21 and Chief Biston, who was the person in charge of the arson
22 unit, was not available.

23 Since we've gotten the report, the report lists--it
24 lists the fire as a restaurant fire. There was a restaurant
25 below us that was also damaged in the fire, and we are
26 listed on page 5 as another business that was also damaged
27 during the fire.

28 Now, the reason that I'm making such a point out

1 of this, is regardless of whether or not it actually was
2 a restaurant fire, to my knowledge, there has never been
3 an attempt by any agency to actually determine whether
4 or not that fire was directed at us, and we have been unable
5 to get any response whatsoever in terms of having this
6 happen.

7 The other thing that I wanted to say is that it
8 makes absolutely no difference whether it was clinic bombing
9 or it was a restaurant fire, because in terms of our experience,
10 as soon as that fire happened it might have--well, it's
11 been publicized on the front page that it was a clinic
12 bombing, because we ran into, as you can imagine, exactly
13 the same problems that everyone has had in terms of this
14 violence. We had almost--we were almost unable to find
15 another location to move into, because landlords did not
16 want to rent to us. We had a contract that we were about
17 to sign in Long Beach for another facility, and the very
18 next day the landlord removed the contract from us.

19 In our Orange County clinic, you've heard testimony
20 about the endless harassment that we had down there. We
21 made the decision to relocate that clinic into a medical
22 facility, a high-rise medical facility for security purposes,
23 and we almost weren't able to find a facility for the Orange
24 County clinic either.

25 The other thing that I want to point out is that
26 on all levels, I think, it behooves some agency to determine
27 the cause of this fire. We are--the Los Angeles Feminist
28 Women's Health Center is the first women controlled abortion

1 clinic in the country. We've been established since 1972.
2 At the time of this fire, the eyes of the country were
3 on us to see what kind of investigation was going to follow
4 and what kind of an outcome was going to come from that
5 investigation, and I do think that, not only from our own
6 perspective here in California but also in terms of the
7 country, it is an alarming precedent that we're not even
8 listed with the ATF as a fire that has occurred to a family-
9 planning clinic.

10 Several people today have testified to the individual
11 level of harassment on the part of the--on the part of
12 the terrorists. I want to underscore that and say that
13 in our experience we have also had individual threats on
14 our lives, and we have also had--one of our clinic directors
15 in Pleasant Hill had the steering column of her car tampered
16 with, so that when she was driving along the steering wheel
17 came off right in her hand.

18 I think that people realize, in terms of the bombs
19 that were sent through the mail to the Portland clinics,
20 that we're talking about a very high level of personal
21 threat here, but I also have to say that this is not new.
22 It is certainly escalating, but it is not new.

23 I would strongly encourage, as I've already mentioned,
24 the buffer zone as something specific that could be done.
25 I have to underscore Margie Seigle, who testified herself,
26 that our resources are just about used up, and I think
27 that really does state the case. We are in no position
28 to be the investigators and the police force and the security

1 unit at the same time that we, as licensed community clinics
2 in the State of California, are trying to provide recognized
3 important services to women.

4 The other thing that I have to comment on, and
5 I think it was clear to everybody in this room, that the
6 Dr. Rodney Brooks, who stood up here and said that clinic
7 bombing and clinic violence is going to stop once abortions
8 are no longer available--I have to say that I consider
9 that a very threatening statement. I, personally, as a
10 clinic administrator of abortion clinics, consider that
11 a personal threat, and I can only conclude from that that
12 the only time that this violence is going to stop is when
13 people who hold the opinions and the beliefs that The Baptist
14 Tabernacle Church seems to be espousing are also ceased.

15 CHAIRPERSON WATSON: Thank you very much.

16 Any questions?

17 Senator McCorquodale?

18 SENATOR MCCORQUODALE: Not of the witness, except
19 to comment that I had an interesting hearing last week,
20 which we might ought to make the information available.

21 This was a case of--in hearing what people say is
22 said back and forth. This was a case of an adopted son
23 who advised his mother and previously his father to stop
24 taking medicine. Held himself out to be a doctor because
25 he had attended a Caribbean medical school for a short
26 period of time and claimed that he was a doctor, and that's
27 all he did, but his mother died and his mother's regular
28 physician, who is licensed in California, claims that

1 she died because she stopped taking her medicine.

2 That person has now completed a little over two
3 months in the County Jail. He's indicted for murder for
4 a whole range of issues, simply on the basis that he has
5 held himself out to be an advisor to a person in a medical
6 area, and if you read the law--the code--it frightens you,
7 because it makes it very clear that if you tell your wife
8 that she should take an aspirin for her bad cold, and she
9 has negative consequences in connection with it, that regardless
10 of how she feels about it, the district attorney may have
11 grounds for filing charges for practicing medicine without
12 a license.

13 It's really--I had never read that code section
14 until that hearing, but it makes me--I'll never offer free
15 advice to my seat mate or anyone else, "Well, why don't
16 you take a couple aspirin when you get home," and something
17 in that neighborhood.

18 It really is very strict and very tight, and
19 the district attorney feels that he has a very good case
20 and the issue of freedom of speech has been raised on the
21 basis that the person was offering his opinion and his
22 ideas and it's an alternative to the medicine that his
23 mother was taking, and he has not backed away at all and
24 filed the charges including murder and a whole range of
25 other--

26 CHAIRPERSON WATSON: I think that has some grave
27 implications for the sidewalk counselors that we ought
28 to look at very closely.

1 MS. BERG: I agree with you. I think that--I
2 mean, we've certainly always been in favor of sharing
3 information with people, and we certainly encourage other
4 people to do that, but I don't think we're talking about
5 sharing information. I think we are talking about someone
6 who has absolutely no right to be interfering with another
7 person's medical care.

8 CHAIRPERSON WATSON: Thank you.

9 Naomi Keller, Planned Parenthood Affiliates of
10 California.

11 Naomi Keller?

12 All right, J. Richard Olivas?

13 MR. OLIVAS: Good afternoon.

14 My name is Richard Olivas. I'm a--I come today
15 as a private citizen, as someone who reads the newspapers
16 everyday, and I had no idea of even coming here except
17 I somehow got a letter from you, Senator Watson, stating--
18 a letter of October 9th, announcing the hearings, and the
19 reason I've asked to come is I think that I have something
20 that can help the Committee in this issue, and I think
21 it's something that both sides can agree on.

22 I've--I don't claim to be a totally emotionless
23 person, but I've heard a lot of emotion today, and maybe
24 a little bit of some facts would help.

25 There seems to be a great deal of confusion, even
26 in my own mind, about the number of bombings that have
27 taken place. I hear--I heard a lady this morning say 190.
28 I've heard--in your letter it says 300, and I read the

1 newspapers, and I hear this report or that report, and
2 I'm, frankly, confused. So, I thought, well I'm going
3 to just do a little research myself. I'm not a statistician.
4 I'm a college graduate in English. I don't claim to be
5 a statistician, but I did want to say, I have several ideas
6 which I think would help you, Senator, in your efforts
7 to end this problem, and again I want to say, I think it's
8 something that all sides could agree on.

9 First of all, I think that this Committee should
10 determine which state agency is best equipped to gather
11 statistical information on the number of bombings. I don't
12 know which one that would be. I don't know state government
13 all that well, but if there's an existing committee that
14 could--existing department that could do that, good. I
15 think there should be a state agency which is legislatively
16 empowered to gather statistics on abortion clinic bombings.

17 Secondly, in your legislation, Ms.--Senator Watson,
18 you should state the different categories of offense.
19 You should give them the power to develop their own categories.
20 For instance, the federal offenses, you know, bombings,
21 arsons--there is a distinction between those two, as you
22 know--and any other categories they want, harassment, whatever
23 they want to develop. I suggest, and I'll give this to
24 the Committee, I suggest that you model it after the National
25 Firearms Act, Sections 231, 921, and 926 of U.S. Code,
26 and the Explosives Control Act of 1970, all of which give
27 the categories of--pertaining to bombing and explosives
28 use.

1 Secondly, and this is very important. There should
2 be, in your legislation, a requirement--not a suggestion--
3 it should be a mandated requirement, that the local city,
4 county, etcetera, fire marshals, police departments, sheriff's
5 department, etcetera, report by law every bombing incident
6 to this designated agency whether it's a new agency or
7 old, because it's important that things be reported by
8 requirement, not voluntarily. In other words, any time
9 there's a bombing in LA, it should go right to this agency,
10 and they should say, "It took place on this time," etcetera,
11 etcetera, etcetera.

12 Secondly--or thirdly, the agency chosen should
13 interact with the statistics--not the personnel, necessarily,
14 but they should interact with the statistics--of the
15 Explosive Incident's Report, published by Alcohol, Tobacco,
16 and Firearms--I have all of them here with me--and the
17 Bomb Summary Report, put out by the FBI, annually. Now,
18 it seems there is a level of mistrust expressed in the
19 room, concerning Alcohol, Tobacco, and Firearms. I don't
20 care to enter into that. All I'm saying is that they have
21 objective, factual statements which are more or less correct
22 on the number of bombings that have taken place, and the
23 state agency should avail itself of the BATF statistics
24 and the FBI Bomb Summary.

25 By the way, there are--right now, if you will
26 check, there are existing agreements in every state, local,
27 and county government, that I have checked into--they
28 voluntarily report all data on bombings to the FBI Bomb

1 Data Center. Are you aware of the existence of that agency?

2 CHAIRPERSON WATSON: Yes.

3 MR. OLIVAS: Yes. They're very--They don't give
4 out a lot of information, but if you'll check with them
5 closely, they have everything, and they're very factual,
6 and I believe they're unbiased, and I believe they deplore
7 violence, and I believe that they want to be objective
8 as they can and unbiased.

9 Fourthly, this state agency that you choose should
10 publish their statistics quarterly, and then again annually,
11 so that the public can have a--have their information.
12 They have a right to know what's going on.

13 Now, I might add for completeness sake, the report
14 should include the date, the time, the location of the
15 bombing, and the extent of monetary damage for each and
16 every act of violence. It should be a complete, thorough,
17 truthful, and accurate report, no shading at all. It should
18 be completely accurate.

19 My point is simply this: Only when we have accurate,
20 truthful statistics can the public be fully informed,
21 and only then can it trust the governmental authorities
22 who compile them. I mean, I think you agree, Senator Watson,
23 that the essence of all self-serving--I mean, not self-serving,
24 public-serving people as yourself, in the public interest,
25 is that we have to be truthful and accurate, and that way
26 people can trust us, and I think that's--there's a little
27 mistrust as to some of the agencies and things, and I think,
28 if we don't trust Washington, fine. Let's compile our

1 own statistics, within the state, by someone with the
2 independence and autonomy and trustworthiness of, say,
3 the legislative financial analyst, someone that's autonomous
4 that can be trusted, so we can go to these stats and say,
5 "Yes. This is how many took place, at this time," and also,
6 they should include in the stats the status of the
7 investigation; whether there have been convictions; whether
8 it's pending, etcetera, etcetera.

9 I have heard, today, that the issue is not the
10 morality or immorality of bombing, but the issue of bombings
11 themselves. Fair enough. May I please help you, Senators,
12 to more clearly define the issue as I see it. Now, I'm
13 not an expert, but the way I see it is, it's not only the
14 bombings but it's how many bombings. Let me give you an
15 example. I have here in my hand a letter from you, Senator
16 Watson, which states, "Since 1982 there have been over
17 300 bombing incidents nationwide on property where family-
18 planning services are offered and where abortions have
19 been performed," 300. However, every available statistic,
20 federal and otherwise, says, Senator Watson, that you have
21 exaggerated this statistic ten-fold. There are only 37
22 bombing incidents that have taken place since 1982.

23 Now, I would--the first thing this Committee can
24 do is this: In the interest of truthfulness and accuracy,
25 I would ask that you, Senator Watson--and the other gentlemen
26 here and the staff people--turn over to this agency all
27 the statistics that you have. I would like for you to be able
28 to support 300 bombings. Included in that, I would like

1 for you, Senator Watson, to give the date, the location,
2 the incident--whether it was a bombing device, incendiary
3 device--and the extent of monetary damage, and the pending
4 status of that case, because there have not been 300 bombings.
5 This is a unfactual statement. Regardless of which side
6 we are on, we must be truthful in our reporting, in order
7 for the government and the people to trust us.

8 So, therefore, I would like for you, Senator,
9 to come forth with a list stating when and where these
10 300 bombings have taken place, so that the public interest
11 can be served, and these hearings and subsequent laws can
12 be based on the facts and reason, rather than on emotion
13 and inflated statistics.

14 CHAIRPERSON WATSON: Mr. Olivas, if there is
15 one bombing, or 300, or 3,000--one is too many. I'm not
16 going to quibble whether there were 37 or 300, because--

17 MR. OLIVAS: You stated there were 300.

18 CHAIRPERSON WATSON: --it really--it is--It really
19 is not the issue, the number of bombings. The issue, sir,
20 to frame what this hearing is all about. This is my hearing.
21 The issue is that we do something about the bombings, so
22 I'm not going to involve my Committee in dabbling over
23 what is the number or not. We have on record, this is
24 information we received from the National Planned Parenthood
25 organization, but if it's off by a thousand, if it's off
26 by a hundred, by twenty--

27 MR. OLIVAS: It's off by 260, Senator.

28 CHAIRPERSON WATSON: That is not of concern to

1 me, understand that.

2 I think the information you have given is well
3 taken, but I am not concerned how many. I am concerned
4 that they are taking place at all. Is that clear?

5 SENATOR ROSENTHAL: May I--

6 CHAIRPERSON WATSON: Senator Rosenthal?

7 SENATOR ROSENTHAL: Let me just indicate, perhaps
8 the figures, referring to bombings, may also have included
9 bomb threats.

10 MR. OLIVAS: No, sir. It says, "bombing incidents."

11 SENATOR ROSENTHAL: I understand.

12 MR. OLIVAS: I would like to see the stats. If
13 there are thousands, I've--

14 CHAIRPERSON WATSON: Don't take up my time with
15 that, would you not? And would you let Senator Rosenthal--

16 MR. OLIVAS: I was given ten minutes to--

17 CHAIRPERSON WATSON: Well, just hold. Let Senator
18 Rosenthal finish.

19 MR. OLIVAS: Yes, ma'am.

20 SENATOR ROSENTHAL: And so I don't know what the
21 number includes, whether it includes threats, attempts,
22 death threats, vandalism, a whole series of things. Obviously,
23 there are lots of statistics on all of these subjects,
24 but I'm not--I'm not sure I know what you're getting at
25 in terms of whether or not the number is correct or not.

26 Maybe the figure should have said, "...30 bombings
27 and 270 bombing threats." Would that satisfy you?

28 MR. OLIVAS: Well, if I understood Senator Watson

1 to say she's not interested in accuracy, I think that the
2 public is.

3 CHAIRPERSON WATSON: Mr. Olivas--

4 SENATOR ROSENTHAL: But what has that got to do
5 with the subject matter?

6 CHAIRPERSON WATSON: Right.

7 MR. OLIVAS: Well, these hearings--

8 SENATOR ROSENTHAL: Could you point--

9 MR. OLIVAS: Yes, sir. Yes, sir. That's a good
10 question, and I thank you.

11 SENATOR ROSENTHAL: Okay.

12 MR. OLIVAS: These hearings, sir, as I understand
13 them, at least in the public correspondence, are predicated,
14 at least in the opening paragraph, their predicated upon
15 some allegedly 300 bombing incidents that took place, but
16 in fact, they have never taken place. So, the very foundation
17 of this hearing has now crumbled. It does not exist.

18 SENATOR ROSENTHAL: Well, that may be your
19 interpretation of what's taken place here today. This is
20 a Senate Committee which is trying to deal with the subject.
21 I didn't come here because I heard there were either 300
22 bombings or 30 bombings. I came here trying to get some
23 input from two sides as to what was actually taking place
24 out there--

25 MR. OLIVAS: Yes, sir.

26 SENATOR ROSENTHAL: --and if it's a bombing, or
27 attempted bombing, or bomb threats, or you know people
28 threatening lives and property, that's what I'm trying

1 to get at here.

2 MR. OLIVAS: Yes, and those--Yes, sir, and those
3 should be cataloged and categorized by this state agency.
4 I agree with that. We're not afraid of that. What we
5 are afraid of is deliberate and falsification and distortion
6 for propaganda purposes.

7 CHAIRPERSON WATSON: Okay, you're on the record.
8 You're on the record. You understand that, don't you?

9 MR. OLIVAS: Yes, ma'am.

10 CHAIRPERSON WATSON: All right.

11 MR. OLIVAS: You have--

12 CHAIRPERSON WATSON: Do you want to make that
13 statement again?

14 MR. OLIVAS: Yes, sir--yes, ma'am.

15 CHAIRPERSON WATSON: Well, make it again, please.

16 MR. OLIVAS: Yes, ma'am.

17 CHAIRPERSON WATSON: And give your name.

18 MR. OLIVAS: My name is J. Richard Olivas, as
19 I said at the beginning and is on the Committee stationery,
20 and what we are interested in--We are not afraid of
21 statistical accuracy by the government. We believe that
22 California State should be empowered to gather statistics--

23 CHAIRPERSON WATSON: Who are you--Who are the
24 "we"?

25 MR. OLIVAS: Well, myself and my family, for one.

26 CHAIRPERSON WATSON: Okay. I just want to know,
27 are you speaking for an organization?

28 MR. OLIVAS: Well, I can't claim to speak for

1 one. I've come as an individual, as it says on the sheet.

2 CHAIRPERSON WATSON: Okay, well, you said, "as
3 an individual," and you said, "we."

4 MR. OLIVAS: That's right.

5 CHAIRPERSON WATSON: I just want to know who
6 you are speaking for.

7 MR. OLIVAS: Yes. I believe I speak for some,
8 but I don't claim to. Some might sympathize with me.

9 But we are not afraid of statistical accuracy.
10 In fact, I believe--

11 CHAIRPERSON WATSON: What were you accusing me
12 of?

13 MR. OLIVAS: I'm accusing you--

14 CHAIRPERSON WATSON: All right.

15 MR. OLIVAS: --of being sloppy, Number 1, in your
16 work. I think that 300 is a deliberate falsification,
17 or at very best, it's a deliberate refusal to proofread
18 your mail and do accurate gathering, and you should not
19 take your stats from Planned Parenthood only. You should
20 trust federal governments who are statutorily empowered
21 to gather these statistics.

22 UNIDENTIFIED SPEAKER: That's right.

23 MR. OLIVAS: And if you 300 incidents, Senator,
24 I'm glad. Let's see them, turn them over--

25 CHAIRPERSON WATSON: Okay, would you finish your
26 testimony.

27 MR. OLIVAS: Yes. If you have the stats, let's
28 see them.

1 CHAIRPERSON WATSON: Would you finish your testimony?

2 MR. OLIVAS: Well, unless there are some other
3 questions, I think I'm through.

4 CHAIRPERSON WATSON: Okay, thank you.

5 There were several people, and we're going to
6 conclude this part of the hearing, because we do have another
7 one starting at 1 o'clock, and we need to give our recorder
8 a break, and members need to have lunch.

9 There were two people, yes--This young lady, that
10 had spoken before. You may come up. Identify yourself,
11 again, at the mike, please.

12 MS. PASSMAN: My name is Jo Ellen Passman. I'm
13 the director of the California Abortion Rights Action League.
14 I'll try not to postpone your lunch any longer.

15 I just want to say, on the issue of picketers
16 versus sidewalk counselors, to ask the Committee not to
17 try and see the Emperor's clothes. For--to take the analogy
18 of voting: If as a voter, I'm sort of a bizarre voter,
19 and I only vote for people who might someday serve on this
20 Committee, say there's somebody who doesn't like that that's
21 the way I vote. Now whether or not they are stopping me
22 from going into a polling place, because they want to educate
23 me about the other people who are running; or whether they
24 just want to tell me they don't like what I'm doing; as
25 a citizen, I have the constitutionally protected right
26 to vote, and that cannot be obstructed.

27 So, I want to underscore, Senator, your idea and
28 your analogy of the polling place, and to encourage the

1 Committee, and whatever other committees would be involved,
2 to further investigate this idea of a buffer zone. It
3 would help the problem immensely.

4 Thanks.

5 CHAIRPERSON WATSON: Well, thank you so much.

6 I do appreciate the input that we have heard this
7 morning and this afternoon. I would hope that everyone
8 who comes to any subsequent hearings would come in the
9 best mind to provide information and not emotionalism.

10 I'm sorry that we had to remove somebody from
11 the hearing room. I think it's quite clear that some people
12 come to disrupt, rather than to give testimony.

13 I don't take lightly to accusations and allegation,
14 and I want to set that out for you--straight out. This
15 session is being recorded. We will review the recording to
16 see if there are any allegations that would be bordering
17 on the illegal. So, I just want to explain that to you.
18 We're trying to have a hearing to hear all sides. I think
19 I've been fair, but I don't like people accusing me, wrongfully.

20 All right.

21 MS. HODGE: Yes, you identified that I could come
22 up and speak, earlier, on the same point as Ms. Passman.

23 My name is Kathy Hodge, and I'm with Clinic Defense
24 of Orange County.

25 I also wish to say that it is quite obvious that it
26 is quite a mystery to many people within our community
27 what a sidewalk counselor is that is different from a picketer,
28 and that some within our group have expressed that it would

1 be necessary to declare martial law in the United States
2 if every person could somehow find a designation within their
3 organization or their point of view which was above the
4 laws of picketing and assembly, and this is exactly what
5 sidewalk counselors do.

6 For those of you on the Committee not familiar,
7 this is what they are instructed to do by Joseph Shiedler.
8 They actually had such a workshop within our county, and
9 some of our people also attended, and they were instructed
10 to say that they sidewalk counselors if the picketing law
11 was brought up to them.

12 Now, this is what they actually do at the clinics,
13 and I wish to make this point. Obviously, we do have the
14 right of assembly, but it is regulated and, you know, there
15 are laws regarding it, and that this is your particular
16 area of expertise and power, and that if there are persons
17 within the State of California who can declare themselves
18 above the law, then you hardly have any reason, you know,
19 to have a job or to address the issue of legal assembly
20 or laws regarding assembly at all. This is what they routinely
21 do, and I believe that you've heard them do it today. You
22 may review the testimony and see if that--if that is not
23 what you heard.

24 CHAIRPERSON WATSON: All right.

25 Thank you very much.

26 We're going to recess this part of the Health
27 and Human Services Hearing. We will reconvene at 1:15
28 to have testimony on the AIDS condition.

1 Thank you so much.

2 (Whereupon the hearing for the Health and Human
3 Services Committee was recessed at 12:45 p.m.)
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REPORTER'S CERTIFICATE

STATE OF CALIFORNIA)
) ss.
COUNTY OF VENTURA)

I, TAMARA MARIE DEUTSCH, do hereby certify that the foregoing pages, 1 through 103, inclusive, constitute a true and correct verbatim transcript of proceedings reported by me.

WITNESS my hand this 31ST day of December, 1985 at
Ventura, California.


TAMARA MARIE DEUTSCH