

## Local News

# Diocesans, NYC bishop arrested in anti-abortion protests

From NC News and Local Reports  
**Washington** — Organizers of a week-long "Operation Rescue" anti-abortion protest proclaimed victory May 6, after netting almost 1,650 arrests for disrupting business at three New York City abortion clinics.

Among those arrested over the course of four separate protests were New York Auxiliary Bishop Austin B. Vaughan, at least a dozen priests, four women religious, more than 20 Protestant ministers and two Orthodox rabbis. Several members of the Diocese of Rochester — including Father Anthony P. Mugavero, parochial vicar of St. Theodore's Church, Rochester; David Long, director of Project Life; Jerry and Terry Crawford; Bill Cusak; and Tim Pulver — were also arrested during the protests.

"Three out of four days we kept the clinics closed," said Juli Loesch, media coordinator for Operation Rescue. Loesch told National Catholic News Service that the peaceful conduct of the protesters "set a standard for the way non-violent direct action should be carried out."

New York police made the arrests May 2-6 as Operation Rescue participants sat and knelt on sidewalks and streets outside the clinics. People arrested May 2, 3 and 5 were charged with disorderly conduct and released. Some of the protesters arrested May 6 were also charged with resisting arrest.

Father Mugavero, Jerry Crawford and Pulver were among 502 protesters arrested along with Bishop Vaughan May 2 at the Manhattan offices of Dr. Herbert Schwarz, a gynecologist who performs abortions. The bishop told *Catholic New York*, the archdiocesan newspaper, that acceptance of abortion on demand poses a "serious danger."

The bishop said that he would restrict his anti-abortion activities to speaking about the issue, if such a strategy were effective. "But the politicians as a group are ignoring the issue, and there is not much being done in the way of changing the laws and stopping the tremendous numbers of abortions," he said. Bishop Vaughan is the third U.S. bishop to be arrested for an act of civil disobedience.

Father Mugavero, who has been involved in a number of Rochester-area protests in Rochester (see related story), said that Operation Rescue "is kind of like the beginning seeds of what we saw in the civil rights movement."

Protesters are taking to the streets, he observed, because petitioning courts and legislatures has had no effect.

"The apostles never listened to civil authorities when they told them to do something against their faith," Father Mugavero said.

During the May 3 protest, police arrested 423 people, including Adele Nathanson, wife of Dr. Bernard Nathanson producer of the anti-abortion film "The Silent Scream." The protesters that day blocked the entrance to the Queens Women's Medical office in Elmhurst, N.Y.

Participants used the following day, May 4, as a day of prayer and planning, before staging their May 5 sit-in at the Women's Choice GYN Services office on Long Island. Police made 401 arrests at that site.

On May 6, protesters returned to Dr. Schwarz's office, where police made 320 arrests and threatened to charge the demonstrators with resisting arrest if they forced police to carry them to buses, as protesters had done earlier in the week.

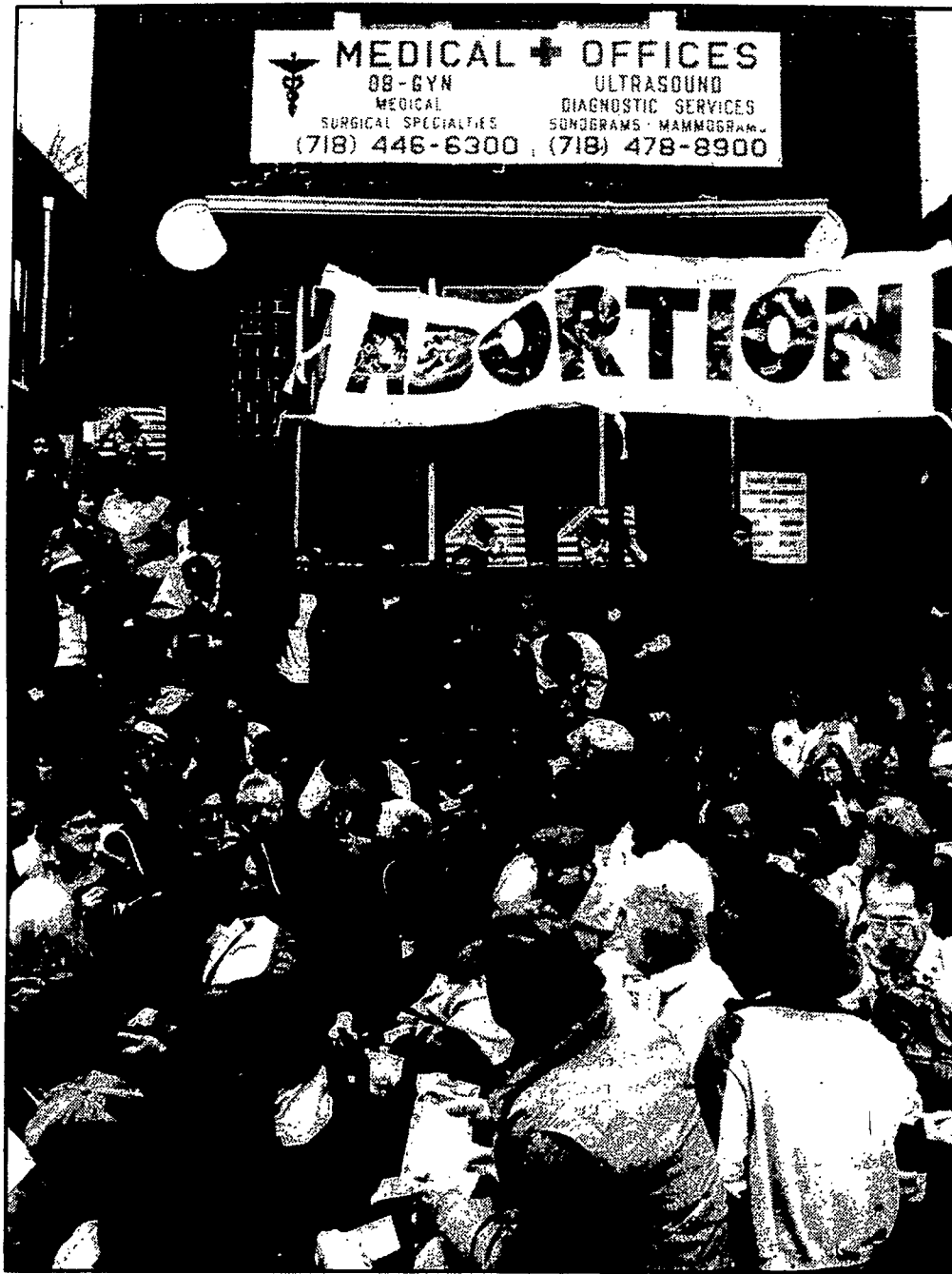
Loesch said that 196 people were arrested under charges of both disorderly conduct and resisting arrest. The remaining 134 protesters walked to police buses when asked to do so.

According to a spokeswoman for the Manhattan South police precinct, those charged with disorderly conduct face a maximum sentence of 15 days in jail if found guilty. The misdemeanor charge of resisting arrest carries a potential penalty of up to a year in jail, she said.

A week before Operation Rescue began, the National Organization for Women and Planned Parenthood attempted to get a court injunction barring the protests, but their request was refused by the Supreme Court in Manhattan.

On May 4, abortion-rights groups and the City of New York successfully made another request to the U.S. District Court, which issued a restraining order. The city claimed that the protest had cost more than \$250,000 in police overtime.

U.S. District Judge Robert J. Ward said the protesters could be assessed \$25,000 in fines for each day they violated the order, with the funds being turned over to N.O.W. As of May 9, however, no fines had been assessed, according to Operation Rescue attorney Michael Tierney.



Chris Sheridan/NC News  
 Pro-lifers stage a sit-in May 3 outside a medical office in Queens, a borough of New York City, during a week of "Operation Rescue" demonstrations intended to prevent abortions at New York clinics. A day earlier, some 30 clergy — including New York Auxiliary Bishop Austin B. Vaughan and several Rochesterians — were among about 500 protesters arrested at a similar demonstration in Manhattan.

## Trial resumes

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that individual or agency is subject to some of the limitations placed on government with regard to the rights of individual citizens.

Thus, Smith reasoned, the hospital's property falls somewhere between "a private home and a public park." If Judge Tillman were to accept this argument, Smith said after the case was adjourned, the hospital would be unable to restrict peaceful protests on its grounds.

As his first witness, Smith called Ronald Press, senior vice president of the Genesee Hospital, asking him to verify documents detailing state and federal funding, and state regulation of hospital services.

Calling Father Mugavero to the stand as his second and final witness, Smith attempted to counter several charges made in previous testimony.

On the opening day of the trial, Dr. Ruth Schwartz, former head of the hospital's medical staff, had testified that women seeking abortions were "psychologically molested" by protesters. The hospital had also attempted to show that protesters had attempted to physically restrain women entering the hospital, interfered with hospital patrons, disrupted traffic on Alexander Street, and caused excessive noise outside the hospital.

First the defense attorney produced a series of pictures the priest took on January 31, 1987, showing that hospital security personnel had parked their vehicles on Alexander Street in such a way as to block an entire lane — forcing traffic to swing around into the oncoming lane.

The priest also answered questions concerning a January 3, 1987, incident in which the hospital contends that he attempted to restrain a woman. Father Mugavero testified that he had touched the woman, but said he did not attempt to restrain her.

"I come from a tradition of touching; it's such a natural thing it's not something I thought about," Father Mugavero said, noting that he had touched a number of women at the hospital in attempts to comfort them.

In this particular incident, he said, "I did not observe any objection to the touching."

In cross-examining Father Mugavero, Parker attempted to establish that the sidewalk counselors regularly approached hospital patrons. The priest said counselors did approach individuals entering the hospital, but said that in many cases hospital patrons came over to the counselors voluntarily.

Parker also questioned Father Mugavero about a December 6, 1986, protest during which she said picketers chanted "in a louder than normal speaking voice." Father Mugavero testified that the protesters were generally quiet and peaceful, and that the incident in question was part of Operation Jericho — an economic boycott of the hospital, which was initiated by Project Life.

In this protest, Father Mugavero testified, protesters circled the hospital seven times, then chanted three times, "Let my children go." The chanting lasted only 30 seconds, and the hospital had been alerted to the protesters' plans, the priest said.

The case was adjourned after Father Mugavero's testimony. Parker said she requested the delay because two witnesses to the January 3 incident were unavailable to testify. Parker said she decided to call the witnesses "in response to this morning's testimony," and in light of other testimony given in the case.

"There are many people who can testify on both sides," she said.

Smith predicted that testimony in the case will end on Thursday, May 12, but said Judge Tillman might take several months to render a decision.

"It's a complex case," Smith said. "I'm sure he'll take his time weighing the evidence."



Father Anthony Mugavero testifies in state Supreme Court.

Bonnie Traflet/Courier-Journal