

Gregg L. Cunningham, Executive Director

September 2012

Dear Pro-Life Supporter,

Monday, September 24, 2012, a twenty-two-year-old woman from Denver, CO (one of four states in which we are operating our Key States Initiative (KSI) billboard trucks) wrote us to say our abortion photos and videos had influenced her thinking about the issue. She said: “I had an abortion 3 years ago and I have regretted it ever since. I live with this regret and vow to spend the rest of my life trying to inform and support women who are faced with a pregnancy that they are overwhelmed [with] at the time. I want to be an advocate for these women and a voice to the unborn babies.” Praise God that we so inspired her. And an advocate for the unborn is exactly what I recently had a chance to be in a courtroom in England.

As we reported in last month’s newsletter, on September 18, 2012, Judge Stephen Nicholls of the Brighton, UK Magistrate’s Court, ruled for our side in the case of Andrew Stephenson, our CBR-UK director, and his associate Kathryn Attwood, who were acquitted of all charges related to three alleged violations of Section 5(b) of the Public Order Act, for displaying graphic abortion images outside abortion clinics. I mention this victory again to emphasize its importance for speech rights in the entire UK and much of Europe. The judge explained that CBR’s signs were not “threatening, abusive, or insulting,” as required for convictions under Section 5(b). Abort67 is an abortion photo display project of CBR-UK and God has delivered an amazing victory in a very hostile environment.

**We must raise the last \$25,000 of our \$75,000 Key States Initiative (KSI) matching gift goal to pay for the cost of our voter education campaign. Please help us before year’s end.**

I designed the signs at issue, developed the procedures for their display, and advised our British lawyers on the best trial strategy and tactics with which to defend our UK staff in court. Much of the credit for the actual lawyering, however, goes to Solicitor Michael Phillips, Barrister Paul Diamond and Solicitor Andrea Williams, the latter of whom also serves as the director of Christian Concern. Our goal was to force a test case we could use to challenge England’s highly restrictive limits on expressive rights. In accomplishing that difficult objective, God truly deserves the glory.

Then on September 23, 2012, BBC Scotland amazed us with the unexpected benefit of a story headlined “Bishop Joseph Devine’s Auschwitz abortion image link condemned.” The sub-headline read “Pro-choice campaigners have condemned a Scottish Roman Catholic Bishop who made comparisons between images of Nazi death camps and abortion,” but the important part of the article was the fact that “Bishop Joseph Devine was responding to the case of two Christian campaigners who held up banners of aborted fetuses at a Brighton clinic.” Referring to our case, he said “... Holocaust images ‘brought home the horrors of such evil catastrophes’ more effectively than words.” We thank God for this brave bishop’s willingness to stand with us at the expense of significant personal abuse.

The British Pregnancy Advisory Service (BPAS), the UK’s largest independent abortion provider, “described his views as ‘very warped.’” The story adds that “Earlier this week a judge dismissed the case of two protesters arrested by police for displaying graphic banners outside [BPAS] Wistons Clinic in Brighton.” It also noted that “In a statement responding to the decision to drop their case, the Bishop of Motherwell said British Christians had ‘something to celebrate.’” The bishop argued that ““All who value

freedom of speech and expression will welcome the dismissal of this case by the courts' ...” and by way of comparison, that “... ‘the publication of the photographs of the victims of Auschwitz and the Burma Railway brought home the horrors of such evil catastrophes far more effectively than a million pleading words. 200,000 abortions take place in Britain each year.’” Then he delivered the real punch-line: “‘Why is the pro-choice lobby so desperate to hide the truth about abortion from the public?’”

Clare Murphy, BPAS Director of External Affairs, countered that “‘It is staggering that those who invoke morality are comfortable with waving large banners of dismembered foetuses in the faces of pregnant women outside clinics with a view to causing them as much distress as possible.’” But pictures of “dismembered foetuses” can only be distressing if BPAS abortions are distressing.

Distressing pictures almost always play a prominent role in social reform, and District Judge Stephen Nicholls’ published opinion noted CBR-UK’s reliance on social reform strategy and tactics pioneered by British abolitionist William Wilberforce.

In 18<sup>th</sup> and 19<sup>th</sup> century Britain, slave traders and slave owners employed coercive pressures to impose a moratorium on information exposing the horrors of the slave trade and slavery. The UK abortion industry is equally committed to suppressing information about the horrors of abortion. Slave traders rightly feared that a fuller public awareness of the essential character of slavery would give rise to political pressures to more restrictively regulate and eventually abolish slavery. The fear of legislative reforms seems equally unnerving to abortion providers such as the British Pregnancy Advisory Service (BPAS). The information blackout related to slavery was greatly facilitated by the fact that slavery was invisible in Britain -- because slavery was confined almost entirely to the distant British West Indies. Abortion is every bit as invisible in the UK today as slavery was in the 1700s and 1800s.

[Please visit the sidebar on the homepage at \[abortionNO.org\]\(http://abortionNO.org\) and click on the “Archives” link to forward a digital copy of this letter to friends and family. We need your help to expose abortion industry corruption.](#)

Edmond Burke hailed abolitionist William Wilberforce as the greatest communicator of his age, but decades of essays and speeches by abolitionists such as he accomplished little change in public opinion regarding slavery. The reformers, therefore, concluded that there were no words which were adequate to convey a full understanding of slavery’s horrors. Wilberforce knew that voters would never sign his petitions and consumers would never boycott slave-produced sugar, rum, molasses, coffee or tobacco until everyone understood the human cost being paid to bring these commodities to market. Horrifying pictures would be required to make the privations of slavery visible and real.

As a consequence, he employed disturbing slave pictures to shock the public conscience. The abolitionists used these pictures to outrage society and thereby motivate a broader willingness to sign the petitions which were later delivered to Parliament. Artist William Blake, for instance, provided sickening, photo-realistic, lithographic prints of slaves being tortured to death. In the process, the abolitionists incurred so much enmity that they were physically threatened, and attacked, and had to be accompanied by bodyguards.

Wilberforce biographers are nonetheless unanimous in their praise of the great reformer’s unfailing graciousness. He never disparaged his adversaries. His Christian faith forbade him from personalizing his slavery exposés with ad hominem invective -- not even against those who facilitated or practiced slavery. He carefully avoided any signage which was threatening, abusive or insulting, not because there was any Public Order Act then in force, but because he knew that personalizing the issue of slavery only served to change the subject, making the abolitionists the issue. Andrew Stephenson and his CBR-UK motives and methods closely and consciously follow those of Wilberforce and the abolitionists. Throughout the Stephenson trial, anti-abortion campaigners were frequently mischaracterized as “protestors.” But Andrew

and his CBR-UK associates aren't in front of BPAS clinics to "protest." They are there to inform. Andrew's principal purpose is not to "debate" women. He is there to empower women.

A widely distributed NHS/BPAS "abortion care" brochure states the lie that abortion "gently" removes a "pregnancy." Passersby who see CBR-UK photos of human embryos and fetuses, before and after abortion, tend instead to conclude that abortion is an act of violence which kills a baby. Many pregnant women have told CBR-UK staff and volunteers that they would have aborted their children had they not seen our pictures. Many post-abortive women have told CBR-UK staff and volunteers that they would not have aborted their children had they seen abortion pictures. For these women, abortion pictures were literally a matter of life and death.

When BPAS withholds vital clinical information from vulnerable, pregnant mothers, BPAS is being abusive and insulting. It is being manipulative and exploitative. This sort of treachery renders the concept of "informed consent" a cynical propaganda charade. The National Health Service (NHS) website section on "informed consent" declares that it is unethical to withhold distressing information related to a patient's condition, even if that patient insists that the information not be disclosed (<http://www.nhs.uk/conditions/Consent-to-treatment/Pages/Introduction.aspx>).

**Please consider a \$150 donation to fund the purchase of one Corporate Accountability Project (CAP) sign of the type we use to picket businesses which make corporate donations to Planned Parenthood.**

Unlike the British NHS, however, CBR-UK never forces disturbing information on passersby. CBR-UK campaigners post notice signs along avenues of approach to abortion photo displays and respect decisions by passersby who amend their route or avert their gaze to avoid the pictures. BPAS says women come to Wistons to access "care." To many passersby, that contention seems more credible before than after they see CBR-UK pictures of human embryos and fetuses, before and after abortion. CBR-UK signs don't state conclusions about abortion because the pictures speak for themselves. These signs are Socratic in that they tacitly invite passersby to reason to their own conclusions about abortion. We don't use these signs to express viewpoints. They are used to reveal facts. CBR-UK doesn't have to protest abortion. When they display abortion photos, abortion protests itself. There is, therefore, no need to gratuitously gild the lily by sensationalizing, editorializing, sermonizing or moralizing.

CBR-UK signs consist of impersonal photographs, not personal attacks. A personal attack is an *ad hominem*. *Oxford English Dictionary* defines *ad hominem* as "... (of an argument or reaction) directed against a person rather than the position they are maintaining ...." The *Oxford English Dictionary* defines the Public Order Act's term "abusive" as "extremely offensive and insulting," and the statute's term "insulting" as "disrespectful or scornfully abusive." This definitional overlap means the words "abusive" and "insulting" are substantially synonymous. But CBR-UK signs cannot "heap abuse" or "hurl insults" because they employ no invective. *Oxford English Dictionary* defines "invective" as "insulting, abusive, or highly critical language." Abort67 signs contain no substantive language, critical or otherwise. They express no value judgments. They make no declarative statements whatsoever. CBR-UK signs deal with issues, not with individuals or organizations. They consist of instructive pictures, captioned with no pejorative terms. A non-judgmental image, by definition, cannot insult. Insults are intrinsically judgmental.

Judge Nicholls ruled that a complainant's feelings of "distress" or "alarm" under Section 5(b) are only actionable if they are caused by a sign which is objectively abusive" or "insulting" (laying aside the "threatening" prohibition which the Crown Prosecutor agreed is irrelevant in this case). The concepts of abuse or insult in this context require a finding that some element of the sign was demeaning or disparaging (in the common understanding of the connotations of the words "abuse" and "insult") to foreseeable viewers. Medically accurate pictures of embryos and fetuses, before or after an abortion, without more, can neither demean nor disparage.

These photos are captioned only as to age. They are non-judgmental. They express no opinion concerning the humanity of the fetus or the inhumanity of abortion. They express no opinion regarding the morality of those who obtain or perform or support abortions. The best evidence that CBR-UK signs are content-neutral is the frequency with which passersby contemplate the images and then ask whether CBR-UK is for or against abortion. Notwithstanding their alarm and distress at what they see, they remain uncertain as to whether CBR-UK promotes or opposes abortion. Judge Nicholls affirmed that the nature of the content of the signs is an objective test (abusive or insulting -- which must mean demeaning or disparaging). The nature of the reactions of passersby is a subjective test (alarming or distressing -- but only actionable if the alarm or distress was caused by an objectively abusive or insulting sign).

Andrew Stephenson freely concedes that pictures of embryos and fetuses, before and after abortion, are alarming and distressing to many passersby -- but only because abortion is alarming and distressing. The signs, however, are not objectively abusive or insulting because they are neither derogatory nor denigrating. Under British law, the fact that the pictures alarm and distress does not, in and of itself, criminalize their public display. The solution to the problem of angry passersby threatening violence obligates the police to control the crowd, not silence the disfavored speech which provokes the threats.

Help us reach our goal of \$75,000 for the Key States Initiative (KSI) matching gift. We are thankful for the \$50,000 given thus far, but we need \$25,000 by year-end to receive \$75,000 from the matching donor.

William Wilberforce was figuratively on trial in this Brighton courtroom, as Andrew's historical co-defendant. Had Andrew been found guilty of these charges, Mr. Wilberforce would have been guilty in his day had the Public Order Act been in effect and misapplied to his virtually identically campaigns. It cannot have been the intention of Parliament that the UK Public Order Act be misconstrued as banning the social reform methods of the abolitionists.

Social reform is invariably a disorderly process. The only society with nearly perfect public order is North Korea. But injustice also abounds there because there can be no justice where social reform is impossible, and social reform is indeed impossible when activists are forbidden from confronting the culture with evidence of society's complicity in injustice. UK abortion industry advocates are now demanding that additional charges be filed against CBR-UK under new statutes, but the most likely statutory alternatives are even less relevant to anti-abortion campaigning than the Public Order Act proved to be.

Your faithful support is making it possible for us to liberalize British laws which have been misused to restrict freedom of speech. We have scored similar speech victories in Canada, and now much of Europe could be influenced by these reforms. Thanks to you, saving babies is becoming a far easier process in many important parts of the world.

Lord bless,

A handwritten signature in black ink, appearing to read 'Gregg Cunningham', with a long horizontal line extending to the right.

Gregg Cunningham  
Executive Director