



Directors
Gregg & Lois Cunningham

Center for Bio-Ethical Reform

August 2017

CBR Fights to Save Irish Babies

Gregg Cunningham, CBR Executive Director, just returned from two weeks in Ireland and the UK where he helped with recruitment and training of staff in England and helped wage a legal battle against Irish police agencies which have been exceeding their authority by threatening to arrest pro-life activists who display aborted baby photos in public.

When we arrived in Ireland we found a dispirited pro-life movement which, as is true globally, has spent decades either covering up the horror of abortion or exposing it so timidly as to be nearly totally ineffective. Abortion is technically unlawful in Ireland but tens of thousands of Irish mothers have travelled to England to kill their babies over this period.

Under the leadership of Irish CBR's (ICBR) founding Director, Dr. Jean Engela, MD, and over the objection of many uncooperative Irish pro-life activists, CBR is launching an aggressive campaign of abortion photo displays. There are still many right-thinking anti-abortion activists in Ireland and we look forward to the privilege of working with them.

On Friday, August 18, 2017, the Irish Centre For Bio-Ethical Reform (ICBR) received an email message from Gary Gordon, Sgt. KC7, of the Kilkenny Garda [Gaelic for police] Station, threatening to charge us with violations of the Public Order Act on the basis of the absurd accusations by passersby who claimed that our aborted baby photos were "obscene." Excerpts from the letter follow:

We are willing to meet with Garda officials to discuss this matter, but it is Garda who need to be cautioned, not we. The Garda misreading of the Public Order Act (POA) must be corrected and formally putting such correction to the Kilkenny Station will be our purpose in meeting, accompanied by counsel, should we choose to be represented at such meeting, for discussions which we reserve the right to record.

Should ICBR be unlawfully threatened with arrest and/or the confiscation of abortion-related signs after caution to your officials, we will proceed against your agency in civil court.



Dublin
City Hall



Waterford, Ireland

Siochana (Irish police) Superintendent's Office in 1998 in a letter regarding the public display of aborted embryo/fetus imagery addressed to Mr. John Scannell (Re: CRIMINAL JUSTICE (PUBLIC ORDER) ACT, 1994) stated that, "...the Director of Public Prosecutions has advised that the display of aborted fetuses does not breach the Law [emphasis added]" and that it was accepted "...certain individual Gardai ... acted unwisely in dealing with protests by persons who claim that the

exhibition of posters is offensive". The fact that our public display of abortion-related imagery is lawful was reaffirmed by the subsequent Chief Superintendent in 2001 and again in 2010 (letters available upon request).

Furthermore, recent legal precedent regarding this issue has been established in the U.K. and before the European Court of Human Rights. In the case of *R-vs-Andrew Stephenson, 2012* the UK Magistrates Court (district judge presiding) ruled in favour of Mr. Stephenson (Director, CBR-UK) and that the images were not insulting, threatening or abusive in the sense required to convict the campaigners under Section 5 of the UK Public Order Act.

As a consequence of the unlawful arrests of Centre for Bio-Ethical Reform-UK (CBR-UK) staff, and the improper impounding of CBR abortion photo signs, Sussex UK Police have been ordered by a UK court to pay 40,000 pounds

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(€45,000) in compensation to CBR-UK, and 310,654 pounds (€349,041) total fines, fees, etc. to our solicitors/barristers. The balance of the award went to ancillary charges imposed by the presiding master. Sussex UK Police were also ordered by the court to issue a public apology to CBR-UK. It should be borne in mind that the UK Public Order Act is conceptually indistinguishable from the Public Order Act in The Republic of Ireland.

The reactions of passersby who disapprove of the contents of our abortion-related education signs is of absolutely no legal consequence in any POA investigation or prosecution. No information regarding reactions of passersby can even be admitted into evidence at trial until allegedly unlawful sign content has been determined by the court to be objectively, in this case, “obscene.”

Section 7 of the POA makes clear that complaints about abortion-related picture signs cannot, in and of themselves, empower Garda to threaten ICBR with arrest. A POA violation can only be established where allegedly prohibited signs are objectively threatening, insulting, abusive or as alleged herein, “obscene.” Each of these prohibited categories is a technical term which has a specific legal definition. None of these definitions include mere expressions of disapproval from passersby.

Even if sign content were found to be objectively threatening, insulting, abusive or obscene, an arrest may still not be justified unless the signs in dispute are displayed with an intent to provoke a breach of the peace, or with reckless disregard for the signs’ potential to provoke such breach.

It is an incontestable fact that ICBR consistently notifies relevant Garda jurisdictions of our intent to conduct abortion-related educational displays, providing police with information detailing intended date, time and location. It would not be logical for ICBR to coordinate so closely with law enforcement if our intent were to provoke breaches of the peace.

Nor would it be logical to argue that we display signage in reckless disregard for the possibility of provoking such

breaches when we unfailingly post warning signs along the avenues of approach to our sign displays. These posted notices afford passersby an opportunity to choose an alternative route or simply avert their gaze. Many do look away and we always respect their decision to do so.

Over the many months during which Garda have received complaints regarding ICBR abortion-related picture signs, no citizen accusation has culminated in a breach of the peace. It is not unlawful for ICBR to engage in otherwise lawful conduct merely because that conduct inspires citizen complaints. ICBR would only be guilty of criminal misconduct if we unlawfully provoked breaches of the peace.

An example of such culpability might be sign content which is objectively threatening, insulting, abusive or obscene – or a Section 5 violation involving unreasonably offensive behavior by the campaigners themselves as they display otherwise lawful signs. But breaches of the peace which ICBR did not unlawfully instigate impose criminal liability on the perpetrator, not on ICBR.

The importance of the “objective” (not subjective) standards in evaluating the legality of sign content or the conduct of campaigners is evident in the fact that our political opponents complain that they are offended even by innocuous signs depicting only a young mom holding a toddler. They complain that they are offended by signs with no imagery whatsoever, if those signs even intimate that abortion is socially irresponsible --

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Galway, Ireland



Cork, Ireland



Limerick, Ireland

Save Babies While Buying or Selling Your Home

You can help The Center for Bio-Ethical Reform receive a charitable donation through a real estate transaction. RealEstateForLife.org is “**Funding Gospel of Life Groups World-Wide.**” If you plan to buy or sell a home or business, call 877-543-3871 or email ProLifeRealEstate@yahoo.com indicating you were referred by CBR. They’ll send you the name of an agent in your area. If a sale is made, CBR will receive a generous donation from the realtor’s commission. There is no cost to you.



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or that unborn babies should be cherished. Allowing subjective standards of offense to mediate a social justice campaigner's expressive rights means the certain end of free speech.

In the U.S., *Black's Law Dictionary* (West Publishing, 6th edition) a finding of "obscenity" requires that the complainant be a person of "average" sensibility. Taking offense at photos of living embryos/fetuses, newborn babies and toddlers is not an "average" sensibility. It is unreasonable. It is abnormal. It is an arguably pathological hyper-sensitivity...

In the absence of unlawful ICBR provocation, breaches of the peace by disapproving passersby obligate the police to proceed against those seeking to violate our expressive rights, not against our staff for lawfully exercising those rights. Otherwise, lawless hecklers are granted vetoes over free speech.

Garda are understandably annoyed by complaints about our abortion-related picture signs but that irritation does not justify police abuses of their authority by misstating the meaning of the POA in an effort to coerce ICBR into surrendering our expressive rights...

Central to Garda's obligation to educate the public as regards the meaning of "obscenity" is the fact that in Ireland, pornographic content can be censored only if it depicts unlawful sex acts. Our signs contain no such materials....

The leading U.S. obscenity case is *Miller v. California* in which the Supreme Court ruled that controversial content cannot be obscene unless it also "lacks serious ... political or scientific value." ...

ICBR fully respects the authority of Garda when such authority is not being abused, but Garda misconduct in unlawfully confiscating abortion education signs (<http://bit.ly/2wIghlG>) or threatening lawful campaigners with arrest will henceforth be challenged in courts of competent jurisdiction.

... These rogue officers well knew that such unlawful behavior constituted an abuse of authority and would bring disgrace to their uniforms. So they disguised themselves in a futile attempt to avoid accountability. Any similar attempt to confiscate ICBR signs will result in an immediate and aggressive lawsuit.

... In the UK, on nearly identical facts, pursuant to prosecution under a nearly identical POA provision, the court embarrassed both the police and the Crown Prosecution Service by dismissing the charges against CBR -- without even requiring CBR to put on its defense case.

We are hopeful that the proposed meeting between ICBR and representatives of the Kilkenny Garda Station can resolve this matter short of litigation. If not, we are prepared to go to court.

Testimonials from ICBR

Dr. Jean Engela, MD, Director, Irish CBR

... Ireland is only several months away from a referendum that, according to most polling indicators, will see Ireland's historic constitutional protections for the preborn revoked and rabidly radical abortion rights pushed through the Dail (Irish Parliament). It is in this context that an Irish affiliate of CBR was founded...

As an experienced advisor Mr Cunningham demonstrated his skills as a master strategist over these past ten days. His experience in expressive rights, obtained over many years in many countries, was critical to obtaining competent Irish legal counsel and securing our right to show abortion victim photography in the public square.

... He knows expressive rights law in Ireland better than the Irish Gardai (police) we met during our displays. His legal analysis was indispensable and could not be as competently achieved by anyone else ...

An Irish Barrister (Attorney):

... Gregg has successfully navigated the various legal and policy issues that can arise when organising a public education display. He has direct experience of winning precedent setting cases in the UK and USA, these examples have been enormously helpful in our dealings with the Irish police.

God bless you for continued support of at CBR.

*"The LORD bless you and keep you;
The LORD make His face shine upon you,
And be gracious to you; The LORD lift up His
countenance upon you, And give you peace."*

NUMBERS 6:24-26

Prayer Requests

- Blessings on Irish CBR
- Courage for pastors to preach against abortion
- CBR equipping pro-life activists in Pakistan

Events

Christian College Project

August 24 Biola University

Church Project

August 18-20 Harvest Crusade, Anaheim, CA

Training Seminars and Speaking Engagements

August – numerous engagements in Ireland
 August 11 Lewisham, London, England
 August 15 Hampton Court, London, England
 August 16 Croydon, London, England
 August 17 Brighton and Hove, England

If Irish police threaten pro-lifers with arrest and confiscation of their signs, we will haul them into court and cost them a fortune.

Gregg Cunningham



Gregg Cunningham (at right) was advising Irish CBR Director, Dr. Jean Engela, MD, while he was being harassed by Sgt. Gary Gordon of the Kilkenny Garda. After we threatened his department with a lawsuit, they will be unlikely to interfere with our pickets again.

Address corrections

addresschanges@cbrinfo.org

Electronic funds donations

ACH@cbrinfo.org

Credit card donations

creditcards@cbrinfo.org

Product order inquiries

productorders@cbrinfo.org

Estate donations

plannedgiving@cbrinfo.org

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