



Written by [Dave Bohon](#) on January 25, 2010

Trial Begins for Man Charged With Killing Abortionist

As pro-life proponents observed the 37th anniversary of *Roe v. Wade* on January 22, the trial of Scott Roeder, the man accused of killing late-term abortion provider George Tiller got underway in Wichita, Kansas, with prosecutors attempting to sanitize testimony and proceedings of any mention of the word abortion.



Roeder, 51, is charged with first-degree murder in the shooting death of Tiller at Wichita's Reformation Lutheran Church on Sunday, May 31, 2009. Tiller was serving as an usher at the morning worship service when Roeder stepped up to him in the church's lobby and shot him at point-blank range with a 22-caliber handgun.

Roeder has openly admitted to killing Tiller, but insists that he did so in an effort to protect innocent children by bring an end to the abortions Tiller was performing at Women's Health Care Services in Wichita. The clinic, which was one of only a handful of facilities in the U.S. performing abortions after the 21st week of pregnancy, was closed by Tiller's family shortly after his death.

Prosecutors are attempting to prevent abortion from becoming an issue in the trial, arguing that the killing was a straight-forward case of pre-meditated murder. But Roeder's attorneys are pressing to present evidence that, based on their client's self-confessed motive, the charge should be changed to voluntary manslaughter. Under Kansas state law voluntary manslaughter is defined as "an unreasonable but honest belief that circumstances existed that justified deadly force."

As prosecutors began their case, they focused on eye-witness accounts of those who were in the church when Tiller was gunned down by Roeder. One church member, Kathy Wegner, testified that after seeing Tiller enter the fellowship hall, she heard a sound like a balloon popping, followed by a flash. She said she witnessed Tiller "fall flat on his back," and then saw Tiller's assailant flee from the church with an usher in pursuit.

Jurors were also shown a series of photos of Tiller lying on his side with his head in a pool of blood. As the images were presented, Tiller's wife could be seen in the courtroom holding her head in her hands, while one of the couple's daughters wept quietly.

During cross-examination of another witness by Roeder's defense attorney Mark Rudy, Judge Warren Wilbert warned Rudy against using the word "abortion" during questioning, telling him that it would only be "fair game" if the witness brought it up himself.

The witness, Paul Ryding, testified of an "awkward conversation" he had had with the defendant some six months before the shooting, when Roeder had visited the church. While Ryding said he sensed that Roeder was pursuing some sort of an agenda, when pressed by Rudy he refused to use the word abortion to identify what he thought the agenda might be. While Ryding denied having discussed his



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testimony with anyone other than police detectives, he later admitted to Rudy that prosecutors had coached him not to use the word abortion.

While Wilbert has emphasized that he will not allow the trial to become a showcase for the abortion debate, he nonetheless has refused to ban Roeder's defense team from trying to downgrade the conviction to voluntary manslaughter, pointing out that Roeder believed he could save unborn children by killing Tiller. He indicated that he would rule when the defense presents its evidence on how much jurors could hear of Roeder's motivation — and that such evidence would be limited to Roeder's specific beliefs at the time of the killing.

Kari Ann Rinker, a spokesman for the Kansas chapter of the National Organization for Women (NOW), argued that allowing Roeder to use a defense leading to a manslaughter conviction would be tantamount to an open season on abortionists from pro-life extremists. "We have to take a stronger stand, or else the doctors will just cease to exist because of fear," she said. "I think it is a very real possibility with the right jurors gathered that they could come to a completely illogical conclusion. And that is frightening."

In order to make it clear to folks like Rinker that they have nothing to fear from the bulk of pro-life activists, following Tiller's murder the National Right to Life Committee condemned Roeder's actions, declaring, "The pro-life movement works to protect the right to life and increase respect for human life. The unlawful use of violence is directly contrary to that goal." Similarly, Operation Rescue denounced the murder as "vigilantism" and a "cowardly act," even as it welcomed the results that Roeder intended — the closing of Tiller's clinic and the cessation of the abortions being performed there.

Jacob Sullum, a syndicated columnist and senior editor for *Reason* magazine, noted that in the minds of many pro-life extremists like Roeder, violence done to stop the killing of babies is no different than violent resistance to the "enslavement of Africans or the gassing of Jews." It is, they argue, a justifiable response to murder sanctioned by law. In fact, the "Defensive Action Statement" drawn up by a group of 30 anti-abortion radicals in response to the 1993 murder of Florida abortionist David Gunn, declares, "Whatever force is legitimate to defend the life of a born child is legitimate to defend the life of an unborn child."

Observing that anti-abortion violence "could very well undermine the cause in the long run by alienating the public and inviting legal repression," Sullum noted that this seems, in part, to be the reasoning behind its aggressive condemnation by pro-life leaders like National Right to Life's Dave Andrusko, who opined that "the flurry of violence against abortion clinic personnel and abortionists in the 1990s set our movement back the better part of a decade," giving the media the justification to paint pro-lifers as "crazed militants," and jeopardizing "much of the work that 99.999999 percent of us were doing in the legislatures, in the courts and in crisis pregnancy centers."

As the trial of Roeder heats up in the days and weeks ahead, organizations like National Right to Life will no doubt be watching closely with an eye to further damage control, lest the major media and groups like Planned Parenthood and NOW attempt to categorize those using peaceful efforts to end abortion with those few who have resorted to violent strategies.

Photo of Scott Roeder: AP Images



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