

Appeal rejected in fetus stunt

By Nancy E. Roman
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The Supreme Court yesterday cleared the way for Randall Terry to go to jail because one of his supporters confronted President Clinton with a fetus during the 1992 Democratic convention.

"We are disappointed," said Gene Kapp, spokesman for the American Center for Law and Justice, which represents Mr. Terry, head of the pro-life group Operation Rescue.

He said Mr. Terry's attorneys will ask the lower court to reduce his sentence.

Mr. Terry was sentenced to five months in jail last year after an Operation Rescue activist confronted Mr. Clinton in August 1992 as he was signing autographs in New York City.

Harley David Belew, 37, of Binghamton, N.Y., handed Mr. Clinton a newspaper and pen — as if to ask for an autograph — and then thrust a plastic container with a 19-month-old fetus at him.

Mr. Clinton threw the paper down, tossed back the pen, got into his limousine and left.

New York police arrested Mr. Belew and two associates, the Rev. Robert Schenck, 34, of Tonawanda, N.Y., and the Rev. Joseph Forman, 30, of Marietta, Ga. Each was charged with three health code violations: transporting a fetus into New York, removal of human remains from the place of death and improper disposal of a fetus.

New York prosecutors said Mr. Terry was behind the stunt. Later, New York Attorney General Robert Abrams charged Mr. Terry with contempt of court for violating an injunction that barred Op-



Operation Rescue's Randall Terry faces a five-month jail term.

eration Rescue from "presenting or confronting" Mr. Clinton or Sen. Al Gore "with any fetus or fetuses or fetal remains."

Mr. Abrams had petitioned the court for the injunction in anticipation of pro-life demonstrations during the convention.

Mr. Terry was convicted and sentenced to five months in jail. The sentence was put on hold while it was being appealed. New York prosecutors now may seek to put him in jail.

In papers urging the high court to review Mr. Terry's case, his lawyers had argued a technical point: that it was wrong for the lawyers who requested the injunction to prosecute someone under it.

They based their arguments on a 1987 ruling that bars the appointment "as prosecutors [of contempt charges] counsel for an interested party in the underlying civil litigation."

Mr. Terry's attorneys argued that "dual representation inherently jeopardizes the neutrality of the appointed prosecutor."

The 2nd U.S. Circuit Court of Appeals rejected the argument. It said Supreme Court precedent "does not automatically disqualify government attorneys who bring a civil action from serving as special prosecutors in a subsequent contempt proceeding."

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