

Roeder's frightening defense

By [Steve Thorngate](#)

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As I [wrote last week](#), I'm deeply ambivalent about abortion rights: I don't believe that abortion amounts to *murder*, but I'm unclear as to what it is instead. I am certain, however, that the [intentional and premeditated killing](#) of a person who poses no immediate threat to anyone is murder. A lot of people—including many with solidly anti-abortion views—agree.

Kansas law, it turns out, is more ambiguous. On Friday, a Wichita judge [indicated](#) that Scott Roeder might be permitted to argue in front of a jury that his killing of abortion provider George Tiller was not murder but voluntary manslaughter—an act he saw as justified because he thought it would save other lives. Yesterday the prosecution moved to prevent this, arguing that such a defense would require that Tiller at least had been poised to perform an abortion at the time of the killing and not chatting with someone in his church foyer. (Not to mention the fact that abortion, like it or not, [is legal](#).)

This morning the defense [responded](#) to the motion, arguing that the whole point of the voluntary manslaughter category—also called “imperfect self-defense”—is that the killing is justified in the killer's own thinking, however unreasonable. A hearing is taking place this afternoon.

It's astonishing to consider that someone can walk up to an unarmed, nonthreatening person, kill him in front of witnesses, confess to doing so and then be convicted of something less than murder because *he* thinks the act was justified. It's also terrifying to [consider](#) the precedent this would set. Obviously, the fact that this is a high-profile and politically charged case doesn't change Roeder's lawyers' job of defending him any way they can. Let's just hope the

judge sees things differently.

UPDATE: In the hearing today, Judge Warren Wilbert [again declined](#) to rule out Roeder's proposed voluntary manslaughter defense.