

FALSE ALLEGATION AGAINST ALPHA CENTER

I understand that again there are false allegations being made about the Alpha Center concerning an indictment against Alpha Center twenty-four years ago.

Alpha Center never committed any crime, and was never convicted of a crime. Rather, Alpha Center was the victim of false allegations made by a pro-abortion local prosecutor, one of many aggressive actions taken in different parts of the country to discredit pregnancy help centers generally. Most notorious was the failed effort of Elliot Spitzer in New York to close all pregnancy help centers in his state at the request of the abortion industry. The action against Alpha was a failed attempt to discredit Alpha Center by a rogue prosecutor who was subsequently sanctioned for seven ethics violations, many involving him making misrepresentations, which finally resulted in his disbarment in 2008.

An indictment is nothing other than an allegation. It is not a conviction and sometimes they are baseless, as in the case of Alpha Center.

In 2006, as the attorney representing, among others, Alpha Center in the Federal lawsuit filed by Planned Parenthood attacking South Dakota's Informed Consent Law (SDCL §34-23A-10.1 *et seq*), I examined the circumstances surrounding the Wilka indictment and its outcome. I interviewed various witnesses and spoke to Wilka.

Here are the actual facts.

Tim Wilka, a local prosecutor, obtained a 24 count indictment against Alpha Center, alleging certain facts and conclusions – which were later determined to be false. Among the 24 counts there were five felonies alleged.

The entire Wilka indictment was baseless. As a result, the state agreed to drop the case and the indictment in exchange for the payment of \$500.00 and a plea of no contest to five counts.

If there was evidence of a single crime, the state would not have dismissed the entire 24 counts of the complaint for \$500.00. During my investigation of the matter, I spoke to Wilka and asked why he agreed to drop a 24 count indictment for \$500.00. He told me he could not prove that a crime was committed.

At the time of the indictment, 1987, the executive director and founder of Alpha Center, Leslee Unruh, argued to the Board of Directors that no fine should be paid and the case should be tried, confident of a not guilty verdict. The Board of Directors wanted to avoid paying large attorney fees that a trial would incur.

Mrs. Unruh argued that there would come a day when the abortion industry would drag up the \$500.00 fine and claim Alpha Center did something wrong when it did not.

The Board of Directors felt obligated to use the funds it raised for the pregnant mothers that Alpha Center helped. When faced with the choice of ending an expensive legal action for only \$500.00, instead of paying \$30,000.00 to \$40,000.00 in further attorney fees and costs, the Board felt obligated to end the court action.

Mrs. Unruh's prediction that the abortion industry would try to unfairly use the false allegations made in 1987 at a future date has proven true, and those false allegations have been embellished in recent times.

In my capacity as attorney for Alpha Center, I investigated the matter. I spoke to people outside Alpha connected to the five counts to which Alpha pled no contest.

I spoke to Prosecutor Wilka in 2006 and in a telephone call, he admitted that he could not prove any crime. But he made an allegation that required me to investigate that proved to be totally false. He was disbarred less than two years later in connection with an unrelated matter.

Here are the actual facts in connection with the five counts to which no contest was pled and for which Alpha Center paid a total of \$500.00, an average of \$100.00 for each count.

1. Counts 12 & 13: Alpha pled no contest to two counts, 12 & 13, that involved the same incident. Both counts claimed that Alpha Center placed a child for foster care without a license. The absurd charge involved a young woman who gave her child up for adoption. The young mother had an attorney and the adopting couple had their own separate counsel. The adoption was processed through the courts in a legal fashion. The baby was already in the care of a foster home and the child was to be placed with the adopting couple in a private adoption.

The attorneys for the parties arranged for the young birth mother to see the baby one last time because she wanted to say goodbye. They decided to have the meeting at the home of Mrs. Unruh. The foster mother brought the baby to their home and the young birth mother got to spend two hours with the baby. The foster mother stayed in the house for the two hours. At the end of the two hours, the birth mother's visit was over and the foster mother took the child home. This was not a violation of law and the charges were ridiculous.

One of the considerations of Alpha's Board of Directors in deciding not to go to trial was the decision to protect the privacy of the birth mother, the foster mother, and the adoptive parents.

2. Count 21: This count involved a young mother who didn't want to give her baby up for adoption. She was counseled at Alpha Center. Her parents wanted her to surrender the baby for adoption, but the birth mother refused. She needed help because she wanted to keep her baby. The young woman asked Mrs. Unruh for help because she couldn't go to her parents' house when she left the hospital. Mrs. Unruh's mother took her in and she was with Mrs. Unruh's mother for two days, helping her bathe the baby, feed the baby and clothe the baby. After two days, the birth mother's parents allowed her to take the baby home.

For helping this young mother for two days, Wilka charged Alpha with the crime of unlicensed receiving of a minor child for adoption placement. There was no adoption and the actions of Alpha were to help the woman to avoid a forced adoption. This absurdity only evidenced the malice of a rogue prosecutor.

3. Counts 20 & 24: These incidents were of the same nature as that in counts 12 & 13. They were total nonsense.

Perhaps the most offensive aspect of the Wilka indictment involved a case of twins. A young pregnant mother had decided to give the babies up for adoption and a licensed agency had arranged to place the children in two different foster homes. The agency could not find a home which would take both babies. A couple volunteered to receive both babies and later adopted them. Wilka made the false allegation that they paid \$100,000.00. He subpoenaed the business records and personal records of the couple. No such payment was made. It was a total fabrication. The adoptive couple, who gave the twins a home, was abused, in that they were forced to sit at the courthouse to be called as witnesses but were never called because the allegations were false. They were forced to turn over all of their records to Wilka.

The unjust and slanderous war waged by the abortion industry against pregnancy help centers must come to an end. For years the abortion industry has made false statements about the pregnancy center in hopes that the mere allegations will be believed, and would tarnish the reputation of organizations that helped women in their time of need. The fact that Alpha Center has served so many women so well over the years and is held in high regard by those it helps, is a testament to its integrity, especially in light of the fact false statements are made against it. Those who know Alpha Center know such allegations cannot be true.

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