

PERSECUTION OF PRO-LIFE ACTIVIST JOE SCHEIDLER CONTINUES

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Reprinted from the *Wyoming Catholic Register*, July 18, 2005;
Mr. Sacco's column, Pro-Life Watch: Political Commentary.

PINE BLUFFS — Nineteen years ago, on June 9, 1986, the National Organization for Women (N.O.W), a leading proponent of abortion, together with abortion clinics in Delaware and Wisconsin, filed suit against Joseph Scheidler and his Pro-Life Action League in federal Court. *That* wasn't unusual. Back then, pro-abortion advocates sued pro-life advocates regularly, seeking injunctions from liberal judges to prevent the blocking of access to abortion clinics by protestors.

RICO LAW USED TO DETER PRO-LIFERS

What *was* unusual was the use of the 1976 Racketeer Influenced and Corrupt Organizations Act (RICO), and the Hobbs Act, a 1946 law designed to crush organized crime by making it illegal to take money or property from another by force.

N.O.W. wanted racketeering and extortion laws extended to protect abortionists from violent protests that drive away clients. A pro-abortion federal judge issued a nationwide injunction against Scheidler and his Pro-Life Action League, barring them from interfering with abortion clinics for ten years and ordering them to pay \$258,000 in damages, as well as attorney's fees.

At the time, N.O.W President, Patricia Ireland bragged that she'd bankrupt the defendants by winning this case. However, although they won in the lower court, Ireland and her pro-abortionist friends lost at the highest appellate level. Instead of dropping the matter, they filed frivolous appeal after frivolous appeal. The seemingly endless litigation has kept Mr.

and Mrs. Scheidler's home tied up with appellate liens, as the case climbed the ladder to the Supreme Court, not once but twice.

PROTESTORS CANNOT BE PUNISHED UNDER RACKETEERING LAWS

Finally, in a decisive 8-1 ruling in February 2003, the Supreme Court held that federal racketeering and extortion laws were improperly used to punish aggressive anti-abortion protestors, and it lifted the above-mentioned injunction.

Chief Justice Rehnquist, writing for the majority, said: "When protestors do not obtain property, they cannot be punished under federal extortion laws." N.O.W. had accused demonstrators of "blocking clinic entrances, menacing doctors, patients and staff, and destroying equipment during a fifteen year campaign to limit abortions." Rehnquist wrote: "Even when their acts of interference and disruption achieve their ultimate goal of shutting down a clinic which performs abortions, such acts do not constitute extortion under either of these laws."

You'd think that Rehnquist's unambiguous language would have concluded the litigation: "Because all of the predicate acts supporting the jury's findings of a RICO violation must be reversed, the judgment that Petitioners violated RICO must also be reversed. Without an underlying RICO violation, the District Court's injunction must necessarily be vacated," he said, and remanded the case to the Seventh Circuit with instructions to enter a decision in accordance with the Supreme Court's ruling.

What happened? Disenchanted with Ireland's leadership during which declining numbers of abortions in America forced numerous abortion clinics to close, she was voted out of office. But her successor, Kim Gandy, and her pro-abortion lawyers, succeeded in getting the lower court to defy the Supreme Court's decision. When Scheidler appealed, it was to the same panel of judges that branded him a "racketeer" in 2001, which the Supreme Court reversed in 2003.

Led by Judge Diane Wood, a card-carrying member of N.O.W, that panel ruled that “some predicate acts” underlying the RICO judgment had been unaffected by the high court’s ruling. In short, the panel decided that “all predicate acts” were not reversed and that more proceedings were necessary at the trial court level where a “more narrowly tailored” RICO injunction could be devised.

Tom Brejcha, Esquire, Thomas More Society Pro-Life Law Center, the law firm donating its services to defend Mr. Scheidler, said: “This is sheer nonsense — specious rhetoric transparently contrived to evade the clear thrust of the precise words used by the Chief Justice. What is it about the words ‘all,’ ‘must,’ and ‘necessarily,’ that N.O.W, the abortion industry, and these appellate judges don’t seem to understand?”

Undeterred, Scheidler and his lawyers seek to again appeal to the Supreme Court, something which Fay Clayton, the lead lawyer for N.O.W. neither expected nor wanted, because during oral arguments in December 2002, Justice Scalia caught her in a lie.

“It’s rare that the Justices catch a lawyer in a lie,” Jennifer Neubauer, Esquire, Thomas More Society Pro-Life Law Center says. “They remember lawyers who lie to them.”

Such an appeal, though necessary, is expensive. Scheidler and his wife are not wealthy. Their attorneys have done yeoman’s service in this case. Sadly, Mr. Brejcha’s law firm may become the next casualty of this litigation. Having spent so much time working for pro-life causes instead of for paying clients, it, too, is threatened with bankruptcy.

N.O.W. makes no secret of the fact that it wants to ruin Joe Scheidler financially, confiscate his home and turn him and his wife out into the street with nothing but the clothes on their backs. To avoid this travesty of justice, donations are needed. If inclined to help, send your tax-deductible contribution to the Thomas More Society Pro-Life Law Center, 29 South LaSalle Street, Suite 440, Chicago, IL 60603. Your gift will help Joe and his wife to defend

against N.O.W.'s vicious attack, and will be a wake up call that it cannot pervert justice.