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## Social order vs. civil disobedience:



Babette G. Augustin/Staff photographer

### Courts, activists clash over constitutional issue

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BRIGHTON — "Your supporters should sense that when individuals respond to their own moral code instead of the law, chaos prevails."

These were the words Brighton Town Justice John J. Ark chose to admonish pro-life forces as he passed down sentences to activists Jerry Crawford and David Long following the two men's jury trial and conviction on charges stemming from a 1988 "rescue mission" at a Brighton doctor's office.

Judge Ark's warning points to the scores of court cases created and legal questions raised by the actions pro-lifers have taken against abortion clinics throughout the country during the last four years.

But many pro-lifers would argue that the chaos against which Judge Ark advised was created by the Supreme Court when it handed down its 1973 *Roe vs. Wade* decision legalizing abortion throughout the United States.

Since then, thousands of pro-life activists have participated in countless rescues, pickets and protests against abortion clinics. Some of these actions fell within the free-speech parameters set out by law, while others were deliberate challenges to the legal system.

Such direct actions against abortion, pro-lifers argue, are a reasonable extension of their belief that abortion is murder.

The law does not see abortion as murder; to the courts, it is a constitutional right. That fact may change in the wake of last summer's *Webster* ruling, which opened the door to legislative restrictions on abortion, but for those who can't wait for legislative process to answer their prayers, direct action against abortion seems the only logical route.

Yet that route inevitably leads pro-lifers back to the clinics and doctors' offices where they frequently invite arrest. From there, these activists head into the courts, where they claim they have sometimes been denied their rights to free speech and fair trial.

The courts are also the battleground on which pro-choice groups are taking stands against militant pro-lifers. Among the casualties of these skirmishes may be the constitutional rights of all citizens, given that some lawsuits against pro-life activists involve legal questions far beyond the scope of trespassing and resisting arrest.



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— Brighton Town Justice John J. Ark during sentencing of participants in a pro-life 'rescue mission.'

For example, the National Organization for Women and the Delaware Women's Health Organization are currently suing Chicago-based Joseph M. Scheidler and his Pro-Life Action League under a federal antitrust statute and the Racketeer Influenced, Corrupt Organizations Act (RICO).

RICO was originally enacted to counteract the activity of organized crime syndicates. But in recent years, pro-choice organizations have been using it against pro-life groups whom they claim are "organizing crime" by working to close abortion clinics throughout the country.

"The right to choose abortion is a constitutional right, like the right to vote or to exercise religious freedom," NOW President Molly Yard argued in a 1988 statement explaining NOW's lawsuit. "If ex-

tremists were blocking the doorways to polling places or invading churches to disrupt services, surely there would be a Justice Department investigation and prosecution."

In two other cases, pro-choice groups invoked the federal Ku Klux Klan Act, which outlaws conspiracies to deny a class of people — such as blacks or women — their civil rights, such as their right to travel.

NOW recently won a victory in an action against Operation Rescue in New York state when the U.S. Supreme Court refused to review a federal appeals court decision. The appeals court had ruled that Operation Rescue blockades "are a conspiracy to deny women their right to travel," according to the June newsletter of Free Speech Advocates, a Catholic pro-life legal organization based in New Hope, Ky.

On the other hand, the National Abortion Federation lost its conspiracy suit against Operation Rescue in a federal court in California. "The court reasoned that pro-life efforts were directed at stopping abortion, not discriminating against women," and that the right to travel meant only "interstate travel" (*Free Speech* newsletter).

The California court's ruling echoes the thought behind legislation pending on Capitol Hill to exempt non-violent civil disobedience from the RICO Act.

"The RICO statute was enacted as an attempt to get at organized crime infiltrating businesses," said Antonio Califa, legal counsel for the American Civil Liberties Union in Washington, D.C. "(RICO) was never meant to go after ideological confrontations."

Califa told the *Catholic Courier* that although the ACLU is noted for its pro-choice stance, it supports the legislation exempting non-violent civil disobedience from RICO because the union perceives NOW's lawsuits as a threat to the right of free speech. "We support the principle of free speech for everybody," he commented.

Two years ago in Denver, two pro-life activists were arrested for merely holding up anti-abortion signs in front of a Planned Parenthood clinic. The pair was charged with disturbing the peace, although they were walking on a public sidewalk and weren't mouthing any slogans.

Lela Jeanne Hill, one of the picketers, told the *Catholic Courier* that she engaged her arresting officer — an off-duty cop working security for Planned Parenthood — in a lively debate over the merits of the arrest.

"Whose peace are we disturbing?" Hill recalled asking the officer. "(The officer) turned and indicated the driveway, and no one was there."

The case was eventually thrown out of court after Free Speech Advocates filed a friend-of-the-court brief on behalf of the pro-life pair. The brief argued that the arrest violated the duo's First Amendment rights to free speech.

Closer to home, pro-life activist, Father Anthony  
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