

Case weighs economic motivation of protests

By Patricia Zapor
Catholic News Service

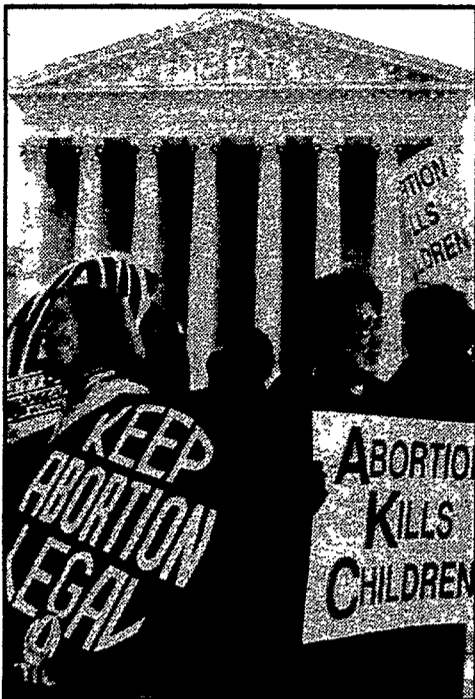
WASHINGTON — Under grilling from Supreme Court justices about what Congress intended its 1970 anti-racketeering laws to cover, the attorney for several abortion clinics asked the high court to say the First Amendment doesn't protect protests that break other laws.

Also in oral arguments at the Supreme Court Dec. 8, the attorney for protesters from the Pro-Life Action Network and Operation Rescue said clinic protests lack the economic motive necessary for prosecution under the Racketeer Influenced and Corrupt Organizations Act.

Arguing for the National Organization for Women and several Illinois abortion clinics, Fay Clayton debated at length with Justice Antonin Scalia about whether abortion clinic protests should be covered under laws usually applied to organized crime activities.

NOW and the clinics allege that Joseph Scheidler and his Pro-Life Action Network conspired to close abortion clinics and received financial benefits from their national blockade campaigns.

The Chicago-area 7th U.S. Circuit Court of Appeals ruled that the claim against Scheidler lacked economic motivation.



AP/Wide World Photos

Pro-choice advocate Inge Coulter, of Harrisburg, Pa. (left), and pro-life activist Elizabeth McGee of Washington, D.C., express their opposite views during a heated demonstration outside the Supreme Court in Washington on Dec. 8.

Addressing the Supreme Court, Clayton insisted that although the RICO statute would not cover clinic protesters who do not break laws against murder, bombing or other violence, protesters who use those tactics are effectively engaging in extortion and that the law is broad enough to apply to even nonprofit groups like Scheidler's.

"This case involves forcible violence conducted by a highly structured enterprise by any means necessary," Clayton said.

Arguing on NOW's behalf, Miguel Estrada of the U.S. Solicitor General's office said the vagueness of the statute means there need not be a clear economic motive before RICO can be invoked.

G. Robert Blakey, a Notre Dame law professor who as a Senate aide in 1970 wrote the RICO statute, argued for Scheidler and the protesters that lower courts were correct in finding no basis for applying the racketeering law to nonprofit groups that sought no financial gain from their stated goal of closing abortion clinics.

Blakey said NOW's argument ignores the emphasis by Congress in constructing the RICO law on illicit gains. At the time the law was being debated, the nation was in the midst of vocal and at times violent protests of the Vietnam War, and

Congress specifically wanted to be sure RICO could not be applied to such protests, he continued.

Under the application suggested by NOW, the RICO law could just as well have been used to stop historical protests of temperance activist Cary Nation, known for her ax attacks on bars, or civil rights leader Medgar Evers, who led boycotts of businesses that did not treat blacks fairly, Blakey said.

"If Carrie Nation wielding an ax is not restraint of trade ... if Medgar Evers in his sometimes violent civil rights boycott is not restraint of trade" then neither is Scheidler's efforts to stop abortions by making clinics inaccessible, he said.

Most members of the court engaged the attorneys in questioning, but Scalia was particularly persistent with Clayton and Estrada.

He asked Estrada whether his broad interpretation of the statute might mean it could be used to allege extortion by any national organization with a single adherent who resorted to violence.

Such a hypothetical situation would be addressed "at the margins," Estrada said. "The question is whether there is an economic motive."

The court is expected to rule on the case before July.

Call by Elders to legalize drugs sparks national debate

By Mark Pattison
Catholic News Service

WASHINGTON — Some Catholics familiar with the drug problem see merit in a debate over U.S. drug policy, but none went so far as to embrace Surgeon General Joycelyn Elders' call to legalize drugs.

Other Catholics, including one senator, oppose any such move. The senator, Don Nickles, R-Okla., called for Elders' dismissal.

"I think President Clinton made a serious mistake when he appointed Dr. Elders as surgeon general," Nickles said in

a Dec. 7 statement. "She should be replaced."

Elders stirred a hornet's nest of controversy when, during a Dec. 7 question-and-answer session at the National Press Club, she suggested legalizing drugs.

She decried violence during her speech, and afterward said 60 percent of violent crimes were drug- and alcohol-related.

Her comments were repudiated by White House press secretary Dee Dee Myers, drug policy director Lee Brown, and FBI chief Louis Freeh.

Freeh, after a Dec. 8 speech at the National Press Club, said he could study the drug legalization issue "in about 30 sec-

onds," adding there was no basis to legalizing drugs since it would serve no purpose.

Babette Wise, director of Georgetown University's counseling center, told Catholic News Service she was "surprised and shocked" when she heard Elders' comments.

"I don't think it's a good idea. It makes me uncomfortable," Wise said. "It would be completely the wrong message to give to young people. What they need is more limits, and more consequences to what they're doing."

Since she co-founded the counseling clinic as a social work student 13 years ago, Wise said she's seen fewer drug-related requests for help from Georgetown students over the years. "It's still alcohol" that's the drug of choice among students, she added.

Peter Cimbalic, psychology professor at The Catholic University of America in Washington, and director of the university's clinic, said in his 25 years at the university level, college students usually don't seek treatment on their own for drug abuse.

"It's an overly simplistic notion to say

that all drugs should be legalized," Cimbalic said. "I don't think there's any room for crack cocaine" on a legalization list.

But by the same measure, U.S. drug policy "is an abysmal failure," Cimbalic said. "I think that's evidenced by our high murder rate, adding that murder is the leading cause of death among black males ages 15-24."

"That's an outrage. Also a lot of that slaughter is drug-related," he said.

Cimbalic said he would prefer to see an expert panel convened "to review everything ... not just the morality" of using illegal drugs. "That's where all the heat is right now, the moral question of right and wrong."

Sebastian Orfali, co-author of the book *Drug Testing at Work*, argued in an interview for "the compassionate medical use of marijuana," saying it would ease the nausea of cancer patients undergoing chemotherapy and increase the appetites of AIDS sufferers "so they won't waste away."

Contributing to this story was Patricia Zapor in Washington.



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Chicago board begins studying letter from cardinal's accuser

By Jay Copp
Catholic News Service

CHICAGO — The Chicago archdiocese's Fitness Review Board began evaluating sexual abuse claims against Cardinal Joseph L. Bernardin Dec. 11.

The board was to examine a letter from Steven Cook sent to the archdiocese in response to a request from the archdiocese to question Cook about his allegation that Cardinal Bernardin sexually abused him in the mid-1970s while Cook was a student in a pre-seminary program in Cincinnati. The cardinal was archbishop there at the time.

Both the archdiocese and Cook's attorney declined to discuss the letter's details.

In a lawsuit filed Nov. 12, Cook, 34, said he was sexually abused by the cardinal once and by a Cincinnati archdiocesan priest, Father Ellis Harsham, repeatedly. Both the cardinal and Father Harsham

have denied the charges.

A U.S. District Court judge in Cincinnati set up a Dec. 16 conference to set a pre-trial schedule.

Cardinal Bernardin has formally requested a speedy trial and asked that the accusations against him be considered separately from charges against Father Harsham and the Archdiocese of Cincinnati, which has been accused of negligence in supervising the priest.

The Fitness Review Board is empowered to recommend that priests be removed from ministry if there is reasonable cause to suspect sexual misconduct. The board made an initial recommendation Nov. 15 that Cardinal Bernardin posed no risk to children and should not be removed from active ministry.

The board of six lay people and three priests was established in 1992 by Cardinal Bernardin after several priests were accused of sexual abuse.