

## RICO

Continued from page 1

Yet the verdict shocked RICO's framer, G. Robert Blakey, currently a law professor at Notre Dame University. The verdict will "unconstitutionally chill social protest — of all types, not just antiabortion demonstrations," Blakey wrote recently in the *National Law Journal*. "The verdict establishes no bright line for distinguishing 'picketing' from 'pushing' or 'yelling' from 'threatening'."

### Turning point

The path that led to NOW's successful use of RICO against protesters was cleared in January of 1994 by the U.S. Supreme Court's ruling that defendants in RICO cases didn't need a financial motive to be considered for prosecution.

The Supreme Court's decision outraged a wide variety of political and social activists, including members of Greenpeace, People for the Ethical Treatment of Animals, the Southern Christian Leadership Conference, the Anti-Fascist Network, Catholic social-justice advocates and several civil-rights and feminist leaders.

A number of them signed an advertisement published March 27, 1994, in the *New York Times*. The ad labeled the court's interpretation of RICO "a frightful assault against First Amendment Rights."

"Prosecutors and civil plaintiffs opposed to social change ... now possess an ominous weapon for silencing unpopular causes," the ad stated. "We have no doubt that they will use this weapon."

The ad was sponsored by the Seafarers Garment Network, a coalition that promotes the consistent life ethic, which opposes war, abortion, economic injustice, euthanasia and the death penalty. The network is headed by Carol Crossed, a parishioner at Corpus Christi Church in

Rochester.

The ad also was signed by Suzanne Schnittman, who currently serves as consistent life ethic coordinator for the Diocese of Rochester. Schnittman also sits on the board of Feminists For Life of New York, a pro-life feminist group (see related story on Page 3).

In part to protest NOW's use of RICO against pro-life activists, Schnittman said, the group plans to stage a silent protest from 10:30 a.m. to noon on Friday, July 10, outside the Sheraton Four Points hotel, 120 E. Main St., Rochester, during NOW's meeting there for its annual convention.

NOW's lawsuit targeted a group of pro-life activists including Joseph M. Scheidler, executive director of the Pro-Life Action League. On April 20, a federal jury in Chicago convicted Scheidler, his group, Operation Rescue National, and its leaders on 21 counts of violating RICO.

Essentially, the jury found the groups and their leaders guilty of a conspiracy to shut down abortion clinics by crossing state lines and committing felony acts — including making threats of violence.

Interestingly, however, even NOW's lawyers never accused any of the groups' leaders of committing violent acts themselves. Instead, NOW's lawyers argued, through their anti-abortion rhetoric and civil disobedience, the defendants had created a climate that encouraged others to use violence.

### Case not over

The judge in the case, David Coar, heard testimony and received documents from both sides from June 30 to July 2. He will render a decision in October on whether to enjoin the defendants — and anyone else in the country — from engaging in civil disobedience at an abortion clinic.

Tom Brejcha, Scheidler's attorney, told the *Catholic Courier* in interviews and

statements, that his side is challenging RICO on its constitutionality. In doing so, the defendants have gained a powerful ally — former U.S. Attorney General Clark, who served during the Kennedy and Johnson administrations. Clark is well-known for his defenses of protesters around the world and announced July 2 he was joining the defense team in this case.

Specifically, Clark fears that RICO will damage freedom of speech, freedom of association, and freedom of conscience and religious expression, according to a statement from the Pro-Life Action League.

### Concerned libertarians

Robyn Blummer, a pro-choice activist, civil libertarian, and syndicated columnist at the *St. Petersburg Times* in Florida, has been present at abortion clinics during protests. Although she has helped women enter clinics through lines of pro-life protesters, Blummer opposes the use of RICO against anti-abortion activists.

"With this win, NOW and other pro-choice groups have the tool they need to bankrupt their most ardent and indefatigable antiabortion rivals ...," she wrote in a recent column. "And corporate farms have the tool they need to bankrupt the United Farmworkers Union."

In this sentiment, Blummer agrees with Scheidler, who spoke in the Rochester Diocese on May 31 before supporters and members of the New York Lambs of Christ, a pro-life group known for its abortion clinic blockades.

Scheidler joked that his conviction under RICO put him in the same class as a Mafia kingpin, and suggested that he and imprisoned mobster John Gotti should set up a racketeers' club. But on a more serious note, he added that he may be among only the first victims of RICO's use against protest groups.

"If this civil (use of) RICO goes through, no one will be safe," he said. "Our First Amendment will be down the tubes."

Interestingly, according to several sources — including syndicated columnist and civil libertarian Nat Hentoff — congressional liberals opposed the enactment of RICO in 1970 precisely because they feared it would be used against protesters someday. At that time, the concern was that protests against the Vietnam War would be squashed under RICO, Hentoff wrote in a June 6 column.

What scares First Amendment supporters like Hentoff is RICO's broad scope. Since many protest groups use both legal tactics and civil disobedience to advance their causes, RICO's use could chill such work, civil libertarians argue, because many protest groups can be portrayed as having conspired to break laws — just as mobsters do.

### Choking off debate

Dr. Stephen Zunes, chairman of the Peace and Justice Studies Program at the University of San Francisco, certainly agrees with critics of RICO.

An expert on the history of civil disobedience and political protest both internationally and in the United States, Zunes said in a phone interview with the *Courier* that RICO is a great tool to stop social progress.

"Non-violent civil disobedience has been a major and very useful component of American democracy over the years," he said, adding that abolitionists, labor organizers, civil rights proponents and war protesters have used civil disobedience. RICO, he said, is so broad that anybody speaking out against a perceived social injustice could be considered a potential criminal.

"It would be the equivalent of people who blamed Martin Luther King for urban riots," he said.

## DIRECTOR OF MAJOR AND PLANNED GIVING

The Diocese of Rochester, Serving 400,000 Catholics in a 12 county region, is seeking an experienced professional to direct its major and planned giving program.

Requirements include: Bachelor's degree; at least three years related fundraising experience in an educational or major non-profit setting; excellent oral and written communication skills; proven organizational ability; the ability to work collaboratively with others; and a familiarity with Catholic culture.

The Diocese of Rochester offers an excellent compensation and benefits package, comparable to business and university environments.

Submit a letter of interest, resume and the names of at least three professional references no later than July 24 to:

**Barbara Pedeville  
Diocese of Rochester  
1150 Buffalo Road  
Rochester, New York 14624**

The Diocese of Rochester is an Equal Opportunity Employer



## Tioga Pastoral Planning group celebrates "Strength of Six"



PHOTO BY PAUL BARBIERI

## Bishop Clark presides as six parishes unite in spirit

On Monday, June 16, volunteers from the Tioga Planning Group joined Bishop Clark and area parishioners at St. Margaret Mary Church in Apalachin to celebrate the union of the six local parishes: St. Francis of Assisi, Catatonk; St. James, Waverly; St. John the Evangelist, Newark Valley; St. Margaret Mary, Apalachin; St. Patrick, Owego; and St. Pius X, Van Etten. The group has dubbed themselves the "Strength of Six."

