

Decision on RICO law means little in abortion battle



MARTIN FISHER

"Convictions are more dangerous enemies of truth than lies." — Friedrich Nietzsche

By now you've probably heard about the Supreme Court's abortion ruling Monday, allowing anti-abortion protesters to be sued under federal racketeering laws (called RICO). If you're like most people, you probably have at least one of the two following questions on your mind: 1) What is RICO? and; 2) What does Monday's decision really mean?

RICO is the Racketeer Influenced Corrupt Organizations Act, a piece of 1970s legislation that was originally intended to provide a powerful weapon in the fight against organized crime.

In a nutshell, a RICO violation requires engaging in any one of a broad list of offenses, including mail fraud, securities fraud and interference in commerce, at

least twice. There also must be a threat of continued violations. If found liable under RICO, the guilty party must pay threefold damages.

So what does this have to do with abortion? In the usual sense in which discussions of abortion occur, not much. Monday's decision makes no mention of the right to choose, and in fact makes virtually no mention of abortion other than to describe the activities of those involved in the suit.

Perhaps it would help at this point to put the case in some perspective. The suit involves the National Organization for Women and couple of abortion clinics and a number of anti-abortion activists and organizations. The claim is that the activists' blockading of clinics and terrorizing of employees and patients has caused the clinics economic damages (specifically, they are charged with violating the Hobbs Act, which has to do with extortion).

The suit goes on to claim that the repetitive nature of the offenses is sufficient to justify a RICO claim. The suit was dismissed by an Illinois district court and the dismissal was upheld by the Court of Appeals for the 7th Circuit.

The reason for the dismissal was that the courts believed that

for a RICO claim to be valid, the offending party must have been seeking some economic benefit. The courts decided the anti-abortion groups were not making money by blockading clinics, and thus there could be no RICO claim.

All the Supreme Court said Monday was that a RICO action does not require the defendant to have sought economic benefit from the otherwise illegal activity. It then reinstated the lawsuit, which will now go to trial.

Pro-choice advocates are already claiming victory, and the decision is being heralded as placing a potent new weapon in the pro-choice arsenal. However, such proclamations are premature. All the Court said is that a RICO suit may be brought against violators who don't gain monetarily from their actions. The success of such a suit remains to be seen.

And in fact, the success of such an action was questioned by justices Souter and Kennedy, who in a concurring opinion pointed out that such a suit may not survive a First Amendment challenge.

It will be a number of years before the question is resolved, and eventually this case will all but assuredly return to the Supreme Court on a First Amendment question. Activists

are already claiming the decision stifles their efforts to protest at abortion clinics. It does no such thing. Rather, it stifles their efforts to inflict economic damage on a clinic by blocking access, harassing patients and destroying property.

In issues of free speech, the courts have tried hard to distinguish between speech and action. Holding a sign and chanting slogans outside a clinic is speech. Physically restricting access and vandalism are actions. It is the latter activities that are the basis for this lawsuit, and it is unlikely that those activities will be considered protected speech.

If pigeon-holing people into categories like "liberal" and "conservative" is how you get your kicks, then you might be interested to know that Monday's decision will do more to interfere with "liberal" activists than with "conservative" activists.

Groups such as PETA, Greenpeace and Earth First! are now wide open to RICO suits, only a couple of which would be required to bankrupt an organization. For example, tree spiking causes economic harm, and thus will expose offenders to RICO suits. Interference with fishing vessels could create a RICO

action.

In short, every activist group would be wise to re-evaluate its protest methods to ensure that they do not expose themselves to a potentially devastating lawsuit.

It is worth noting that Monday's decision was unanimous. This is not a case of the "liberal" Court furthering the Clinton agenda of baby-killing, as some anti-abortion cliques are claiming. The decision was written by Chief Justice William Rehnquist, not exactly the poster child for liberal causes.

Rather, this is a case of the court saying that those who violate the law cannot escape liability because they are politically or morally motivated instead of being economically driven.

No one is suggesting that anti-abortion protesters cannot continue to protest at clinics, and if their moral values require them to do so, they should be given the same degree of respect as anti-war or environmental protesters.

If the suit is successful, it will send a powerful message to all who would protest: You may say what you like, but you will be held responsible for your actions, "moral" or otherwise.

Martin Fisher is a columnist for the Emerald.

LETTERS

Placing blame

When people experience feelings in themselves with which they're uncomfortable, they condemn that which reminds them of those feelings.

The OCA reminds people of hatred they feel inside, and people blame the OCA for the experience of hatred. This is paralleled by OCA members who blame homosexuals, who remind them of the feeling of hatred.

Helen Posey (ODE, Jan. 25) is reminded of the feeling of hatred by other people's belief in God.

It is easy to deny one's own hatred by blaming those who remind one of it; however, it's difficult to take responsibility for feelings one has that don't feel good.

Some are so afraid of facing feelings that they try to make laws to prohibit expression that reminds them of how they feel. To avoid feelings, barriers to free expression have been created.

To illustrate this point, I offer some free expression:

Every week they added to the list of regulations One for every occasion which might make them feel The very things about themselves for which they lacked acceptance They continued their insis-

tence that they were being real

Pointing fingers outwardly detached from their weak spots

It was always others, not themselves, from which the problems came For if they felt each circumstance, they'd touch where they aren't happy The feelings there are "crappy," so they stick with rules and blame.

Jeffrey Oswald Eugene

Offensive

This is a reply to the letter from Helen Posey (ODE, Jan. 15) regarding her opinion that belief in God is the cause of intolerance such as that shown by the OCA, anti-abortion organizations and the anti-civil rights groups.

First, you are wrong. Many religious people do not agree with the doctrines held by these groups and very likely there are non-religious people who do. Belief in a divine being has nothing to do with intolerant behavior. It is unfortunate that there are a number of people who claim God is the basis for their own intolerance.

Second, no one is requiring you to believe in God. In this country, we have freedom of religion. The University did not

ask you to profess a belief in God to become a student or to hold a job, did it? Nor will it prevent someone else from discussing their beliefs with regard to God or religion.

Finally, your letter is offensive. That's right, offensive. When you publicly denigrate something that many people cherish and declare it "silliness" to believe in such a thing, you are being offensive, as well as intolerant. You could have stated your opinion in a much nicer way.

If I may rephrase a sentence from your letter:

"Until people dump intolerance along with the rest of their

garbage, there will be no advancement in the human condition."

Samantha Corte Student

Heil Fisher!

Rumor has it that Martin Fisher wrote another column for the Emerald. Although I haven't read it (and won't), I'm sure it was as crappy as all his others. One look at his Hitler-esque moustache and liberal-hating glare, and I knew this was one I had to miss. I didn't even read the first sentence — doing so would have degraded my humanity.

Fisher has got to stop quoting celebrities at the start of his columns. It's time to abandon the crutch, Martin. Leave it alone. Just because you can't think of creative quotations yourself, there's no reason to slander other people's words with your asinine observations.

Did everyone notice that Fisher messed up his subject-verb agreement, again? At least, I'm assuming he did. He always does. Remember, I didn't read the column. If it weren't for copy editors, this guy would be working at the Commentator (oh wait, he already is).

Rivers Janssen Eugene

LETTERS

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Price: \$7 Students
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