

High Court allows RICO suits against pro-lifers

The Supreme Court has ruled that abortion clinics may use the federal racketeering law against pro-life activists who demonstrate at abortion clinics. The unanimous decision, written by Chief Justice William Rehnquist, was condemned by pro-lifers around the country.

A federal appeals court in Chicago had dismissed the case, *National Organization of Women v. Scheidler*; ruling that the Racketeer-Influenced and Corrupt Organizations Act (RICO) applied only when defendants' activities were motivated by economic gain.

The high court disagreed, stating that the language of RICO as written and passed by Congress was unambiguous and did not include the requirement of economic motive.

Although RICO was originally intended as a tool to fight organized crime, the law has been used in a wide variety of contexts having no relation to organized crime. The court has frequently expressed its concern about this expansion of RICO, but it has stated that it is up to Congress rather than the judiciary to limit the use of the law.

The defendants argued before the Court that allowing RICO suits against clinic protestors would have the effect of infringing on the free speech rights of peaceful demonstrators and limiting legitimate political protest.

In a separate opinion concurring in the judgment, Justice David Souter, joined by Justice Kennedy, emphasized that the Court's decision did not bar First Amendment challenges to the application of RICO in particular cases and cautioned lower courts applying RICO to be aware of the First Amendment interests that could be endangered. "Legitimate free-speech

claims may be raised and addressed in individual RICO cases as they arise,” wrote Justice Souter, “and even in a case where a RICO violation has been validly established, the First Amendment may limit the relief that can be granted against an organization otherwise engaging in protected expression.”