

Abortion-rights activists want 'racketeers' curbed

By RICHARD CARELLI
Associated Press

WASHINGTON — Abortion-rights advocates told the Supreme Court yesterday that some abortion foes have joined in a "nationwide campaign of terror" and, like Mafia mobsters, are violating a federal racketeering law.

But abortion opponents told the court that subjecting them to the law would harm their right to political protest.

The National Organization for Women and the Clinton administra-

tion said lower courts wrongly threw out a NOW lawsuit that had invoked the disputed law against Operation Rescue, the Pro-Life Action League and other abortion foes.

The anti-abortion groups urged the justices to let the lawsuit die. A decision is expected by July.

Some protesters have used "forcible, violent conduct . . . any means necessary, including terrorism," Fay Clayton, a lawyer for NOW, told the court. She said such people call peaceful abortion protesters "wimps" and are more interested in "mob violence" than protest.

But Robert Blakey, the Notre Dame University law professor representing the groups NOW sued, likened abortion protesters who block clinic access to civil-rights and labor leaders who led boycotts.

Blakey said Congress never intended to stifle political dissent with the Racketeer Influenced and Corrupt Organizations Act in 1970, designed to attack organized crime.

Today, it is used in lawsuits involving just about any business dispute. And the Supreme Court has consistently refused to narrow the way in which the broadly worded

law is applied.

But Blakey argued that even the law's name reflects "the notion of commercial gain" — showing that Congress wasn't interested in punishing politically or ideologically inspired acts.

Only Justice Antonin Scalia voiced sympathy for that view during the 60-minute session.

Noting that the law is aimed at any "enterprise" involved in a pattern of racketeering activity, Scalia said it is possible "enterprise means the same thing as business enterprise."