NOW v. Scheidler

(Continued from previous page)

the defendants were Joseph Scheidler of the Chicago-based Pro-Life Action League (PLAL), Joan Andrews of Newark, Delaware, and John Ryan of St. Louis. Plaintiffs charged the defendants violated the Sherman Clayton Anti-Trust Act by interfering with the interstate commerce of the business of abortion.

The case was filed after Scheidler walked into the Delaware Women's Health Organization and told the receptionist that if she continued working at an abortion mill, she faced the prospect of going to hell. She quit. Scheidler was arrested over the incident the following day at a pro-life demonstration at the same location. He was later convicted of trespassing and fined $100.

Andrews, now Mrs. Chris Bell, was name a defendant following her attempt to tear an electrical cord out of a suction machine inside the Ladies' Center in Pensacola. She was dropped from the lawsuit after being convicted and sentenced to five years in prison. Andrews served two and one-half years in solitary confinement before being released.

Both Scheidler and John Ryan were present outside the Ladies' Center at the time Andrews was arrested. Ryan had been arrested over 300 times for rescuing and contempt of court charges. Although Ryan dropped out of the pro-life movement in 1987, he is still a defendant in the case.

The Wilmington, Delaware mill is part of the Women's Health Organization, a chain of nine abortion mills targeting rural and small metropolitan areas throughout the country. The chain is owned by the father and son team of Joseph and Stuart Yachnowitz of Miami, Florida. Joseph also has financial ties to the Ladies' Center in Pensacola.

The Women's Heath Organization (WHO) is well-known for attempting to stifle opposition with lawsuits. Since the 1970s, WHO has sued pro-life groups and hostile municipalities at least eight different times. WHO administrator Susan Hill manages the chain of nine mills. Well-known for her temper, she was present at the Wilmington demonstration where Scheidler was arrested and became visibly enraged when pro-lifers there showed her "Baby Choice," the body of a baby girl killed by a saline abortion. The lawsuit was filed shortly after the incident.

Since Ryan and Scheidler were both from the midwest, defense lawyers from Americans United for Life (AUL) were able to have the case transferred to Chicago. After an unsuccessful attempt to have the case dismissed for lack of merit, AUL brought on Thomas Brejcha, a corporate anti-trust lawyer, as lead counsel.

The Southern Poverty Law Firm, a group that successfully sued the Ku Klux Klan, represented NOW.

U.S. District Judge James J. Holderman granted NOW broad-based discovery, allowing them to remove files from the Pro-Life Action League archives, along with the League's entire video and audio cassette collection.

Joe Scheidler and Andrew Scholberg carry coffin filled with aborted babies at Queen of Heaven cemetary.

After being granted the widest possible berth of broad-based discovery, the Southern Poverty Law Firm, without explanation, withdrew the case. NOW replaced the law firm with Patricia Ireland as lead councel.

In January 1988, PLAL members Tim and Beatrice Murphy discovered the bodies of hundreds of aborted babies on the loading dock of Vital-Med Pathology lab in Northbrook, Illinois (see related feature, this issue, page 53).

PLAL contacted Milwaukee pro-lifers Edmund and Monica Miller who helped organize the removal of over 5,000 aborted babies over the next nine months. Most of the aborted babies were still in their shipping boxes with labels indicating the location they had been sent from. Coincidentally, the majority had been shipped from Women's Health Organization mills in six different cities.

In September 1988, employees of the Women's Health Organization in Milwaukee learned that the aborted babies were coming from Vital-Med after a press conference held by pro-lifers in front of the mill. When an employee confiscated an empty shipping carton, Monica Miller told her to keep it because she had lots more and offered her another one.

The employee alerted Susan Hill who contacted the owner of the pathology lab, demanding that theft charges be placed against the pro-lifers. The owner refused and shortly afterward Vital-Med canceled their abortion pathology contracts, refusing any further abortion business.

Around the same time, Molly Yard and Patricia Ireland announced they were stepping up the lawsuit against Scheidler, whom they charged was behind Operation Rescue. Scheidler responded that "Randall Terry would be surprised to hear that."

NOW also took depositions of a number of pro-lifers involved in the Vital-Med body find. In February 1989, because of the body finds, NOW expanded the case to include RICO charges and added a number of defendants including Randall Terry, Monica Miller and Tim Murphy. Vital-Med had refused to cooperate with NOW's investigation and was also listed as a defendant.

In the summer of 1990, NOW issued a list of co-conspirators. Pro-lifers who ran crisis pregnancy centers and homes for unwed mothers were listed with people convicted of bombing and arson. Mary Ann Hackett, president of Illinois Right to Life, was listed below convicted bomber Matthew Goldsby. Many names were listed twice.

In June 1991, five years and hundreds of thousands of dollars in legal fees after the original suit was filed, Judge Holderman dismissed the case, stating that there was insufficient evidence to support NOW's claims that pro-life defendants were involved in conspiracy to deprive abortion clinics of business.

Holderman even referred to the RICO charges as "nonsense." NOW appealed the case and the Seventh Circuit Court of Appeals let Holderman's verdict stand. However, when pro-life attorneys filed for NOW to pay legal fees, Holderman gratuitously commented that Scheidler was indeed involved in clinic bombings and refused to grant sanctions. Pro-life attorneys are appealing his decision.

"The case has been a civil liberties disaster," said Brejcha, "a nightmarish aberration from constitutional norms." To draw a parallel Brejcha asks, "How would we regard it if two Southern lunch counters had filed a class action suit back in the 1960s against Martin Luther King and the Southern Christian Leadership Council on behalf of all lunch counters in the deep South, draining resources, deposing Black leaders and scrutinizing King's files, all based on federal charges that 'Southern commerce' was being 'interfered with' by a vast anti-competitive, extortionate antitrust or racketeering conspiracy? The notion is outrageous! The concept of calling crusaders for civil rights 'racketeers' and 'antitrust violators' is ridiculous."

Oral arguments in the Supreme Court are expected in the fall with a decision possibly as early as the next winter session. ■

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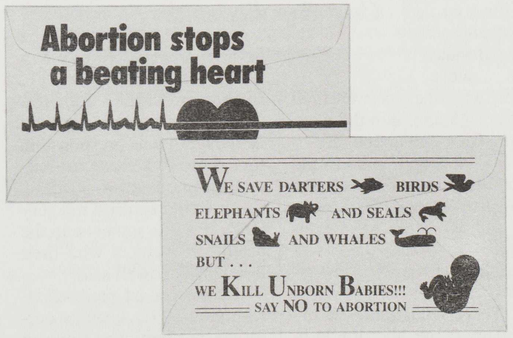

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