



NOW v. Scheidler Timeline: The Complete Story

Anti-Abortion Violence Escalates; NOW Retaliates

1984-1985

After resounding defeats in Congress, the courts and public opinion, the anti-abortion movement changes tactics, aiming to put abortion providers and clinics out of business through intimidation and violence. Joe Scheidler, Andrew Scholberg and a handful of other self-described "radical" anti-abortion leaders form a nationwide coalition named the Pro-Life Action Network (PLAN). Scheidler vows to stop abortion "by any means necessary" and calls PLAN the "pro-life mafia." In the midst of a rash of clinic arsons and bombings, PLAN proclaims "a year of pain and fear" for anyone seeking or providing abortion.

NOW urges President Reagan, the U.S. Justice Department, Congress and local law enforcement agencies to vigorously investigate clinic terrorism and bring anti-abortion criminals to justice. Government and authorities either ignore NOW's pleas or claim they are powerless to do anything.

Mar. 26, 1986

Members of PLAN invade a clinic in Pensacola, Fla., throwing the clinic administrator down the stairs, injuring a NOW chapter president and wrecking medical equipment, forcing the clinic out of business for several days. Joe Scheidler stands outside during the invasion, praising those who went in and taking credit for the mayhem.

June 1986

In an effort to stem the rising tide of violence, NOW brings together the Delaware Women's Health Organization and the Pensacola Ladies Center (and later the Summit Women's Health Organization) to file suit in federal district court against Joe Scheidler, PLAN and other anti-abortion extremists. Based on a strategy developed by then-NOW President Eleanor Smeal, the suit is brought under federal antitrust laws and charges the defendants with a nationwide criminal conspiracy to close women's health clinics.

June 1987

NOW wins the first round in the court battle when the district court denies Scheidler's motion to dismiss the case.

NOW Expands Case, Gets Tough

Aug. 1988

NOW expands the case against Scheidler and the Pro-Life Action League, to include Randall Terry and Operation Rescue, a direct action spin-off of PLAN which blockades abortion clinics.

Jan. 30, 1989

NOW toughens its suit against anti-abortion terrorists, adding charges of extortion and violation of federal racketeering laws (RICO).

About RICO

Racketeering Influence and Corrupt Organizations (RICO) laws were originally designed to address mafia-type crimes. RICO imposes liability on those who operate a criminal enterprise. The RICO Act requires a pattern of racketeering and at least two serious criminal acts. RICO allows for triple damages to be awarded if a group is found guilty, making it a powerful tool to fight anti-abortion extremists who use fear, force and violence to close clinics. RICO cannot be used against peaceful protest.

June 1991

NOW v. Scheidler is dismissed by a trial judge on grounds that the RICO law requires the defendants to have an economic motive for their crimes. The Seventh Circuit Court of Appeals upholds the dismissal in 1992.

Nov. 1992

NOW and the clinics appeal the dismissal to the U.S. Supreme Court. The Justice Department files a brief supporting the use of use of the RICO statute to stop violence, regardless of whether it is motivated by financial gain.

Dec. 8, 1993

Attorney Fay Clayton represents NOW before the U.S. Supreme Court, arguing the validity of applying RICO laws to anti-abortion terrorists. Clayton argues that Congress did not require an economic motive for RICO crimes when it wrote the laws.

Jan. 24, 1994

Supreme Court rules 9-0 in favor of NOW and the clinics, holding that the plain language of the statute does not require an economic motive, and giving a green light to proceed with the trial after an eight-year wait.

May 1994

NOW files a motion to expand the NOW v. Scheidler complaint to link defendants to recent shootings and arson attacks.

NOW's Investigation Gets the Green Light

Sept. 22, 1995

District Court Judge David Coar sets aside all pending appeals and opens discovery, allowing NOW to move forward in its investigation of the defendants' violent and conspiratorial activities.

Nov. 6, 1995

Judge Coar grants NOW permission to take depositions from several people currently incarcerated, as well as other conspirators unnamed in the suit. NOW immediately prepares subpoenas for Paul Hill (in prison for the murders of Dr. John Bayard Britton and NOW clinic escort James Barrett) and Rachelle "Shelley" Shannon (in prison for the shooting of Dr. George Tiller in Kansas), among others.

March 29, 1997

NOW makes history again, convincing the federal court to designate NOW v. Scheidler a class-action law suit. In a historic move, Judge Coar certifies NOW as the class representative of not only all NOW members but all women "whose rights to the services of women's health centers in the United States at which abortions are performed have been or will be interfered with by defendants' unlawful activities."

Sept. 23, 1997

Judge Coar rules that if NOW proves its case, then Randall Terry and his co-conspirators will be held responsible for all the acts of terrorism and violence the Pro-Life Action Network orchestrated. The court rejects the defendants' argument that their so-called "moral imperative" to stop abortion justified terrorism.

Jan. 7, 1998

Randall Terry, founder of Operation Rescue, folds his tent, agreeing to the issuance of a permanent injunction against him. Judge Coar grants preliminary approval of the settlement, which includes steep fines if Terry violates the order by engaging in future clinic terrorism.

At Trial, At Last

March 4, 1998

After numerous delays, opening arguments for the NOW v. Scheidler trial begin in federal district court in Chicago before a 12-person jury.

April 15, 1998

Closing arguments are presented in the NOW v. Scheidler lawsuit.

April 20, 1998

NOW wins its 12-year battle against anti-abortion racketeers when the jury returns a unanimous verdict finding that the defendants engaged in a nationwide conspiracy to deny women access to medical facilities. The jury determines that Operation Rescue, Joe Scheidler, PLAN and their co-defendants are racketeers under RICO and should be held liable for triple damages for the harm their violent acts caused to women's health clinics.

July 16, 1999

Judge Coar issues the first-ever nationwide injunction against perpetrators of anti-abortion violence, forbidding the defendants in NOW v. Scheidler from interfering with the right of women to obtain reproductive health services at clinics and the right of the clinics to provide those services. Scheidler appeals the ruling on several grounds, including the First Amendment right of free speech.

Oct. 2, 2001

The Seventh Circuit Court of Appeals upholds the injunction against the defendants' network of violence and intimidation. The decision states that "the First Amendment does not protect violent conduct" and that "violence in any form is the antithesis of reasoned discussion." Scheidler and cohorts appeal to the Supreme Court.

Supreme Court Weighs In

April 22, 2002

The U.S. Supreme Court agrees to review *NOW v. Scheidler* on the basis of two technical issues raised by the defendants, but refuses to hear their challenge that the First Amendment was violated by earlier rulings or that speech is at issue.

May 31, 2002

NOW claims another victory as the Circuit Court of Cook County, Ill., dismisses Joe Scheidler's hypocritical defamation lawsuit against *NOW*.

Dec. 4, 2002

The U.S. Supreme Court is hears arguments again in *NOW v. Scheidler*. The case turns on two points: whether women and clinics victimized by the defendants' violence can be protected from future crimes by an injunction, not merely compensated for their losses after the damage is done; and whether anti-abortion terrorists whose motivation is religious or political, rather than economic, can be found guilty of extortion under RICO.

Feb. 26, 2003

The Supreme Court rules in an 8-1 decision, that while anti-abortion groups did commit crimes and interfere with clinic operations, the lower court injunction could not be supported under laws against extortion because no money or property had been obtained from the clinics as a result. The Supreme Court sends the case back to the Seventh Circuit Court of Appeals for further action.

February 26, 2004

Back in front of the Seventh Circuit, *NOW* argues that even if the defendants' acts of extortion did not bring them under the Racketeering law (RICO), their acts and threats of physical violence do. The circuit court sends the case back to the trial court (which originally issued the injunction), to decide that issue. Before the trial court could hear the case, the defendants again appealed to the Supreme Court, demanding that the injunction be lifted without further proceedings in any other court.

January 28, 2005

In response to Scheidler's application for rehearing, the panel issued a written decision reaching the same conclusion. Scheidler's request that the entire Seventh Circuit hear the case en banc was rejected, and both Scheidler and Operation Rescue asked the Supreme Court to hear the case.

June 28, 2005

The Supreme Court agrees to determine whether acts and threats of violence can support an injunction under RICO, prohibiting future violence at the clinics, and whether injunctions can be granted at all, in a non-criminal case. Oral arguments are set for Nov. 30, 2005.

February 28, 2006

The U.S. Supreme Court decision is announced. In a statement, then NOW President Kim Gandy says:
“Today the U.S. Supreme Court issued a ruling that could add to the increasing difficulty women face in obtaining reproductive health services. If the Court's 8-0 decision in *Scheidler, et al., v. National Organization for Women (NOW), et al.* and *Operation Rescue v. NOW, et al.* ushers in a return to clinic violence in the United States, NOW stands ready to fight in every jurisdiction.”