



Saint Thomas More
1478-1535

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November 22, 2000
St. Cecilia

Dear Fellow Catholic:

I have some very encouraging news for you and with it, a request for intense prayers.

On September 12, 2000 I appeared before the Ninth Circuit Court of Appeals in Portland, Oregon to argue for a reversal of the atrocious \$107 million verdict against the pro-life activists this Association is defending in the case of Planned Parenthood, etc. v. American Coalition of Life Activists, et al..

You may recall from our previous newsletters that this case involves what even liberal commentators regard as a serious threat to freedom of speech: the use of the federal racketeering statute (RICO) and the Freedom of Access to Clinics Entrances Act (FACE) to turn political protest posters condemning abortionists by name into "threats" punishable by a massive damage award -- and an injunction that could land pro-life activists in jail for simply saying the "wrong things" about a named abortionist.

I am delighted to tell you that the panel of Ninth Circuit judges spent more than an hour--an extraordinary amount of time--asking very probing questions of Planned Parenthood's attorney about the serious First Amendment issues involved in this case. It was clear that Planned Parenthood's lawyer did not have the answers the Court was looking for.

For example, at one point a panelist chided her for being evasive and not answering the specific question being posed to her. The panel wanted to know if there was any case in American jurisprudence in which the mere publication of information about a person was deemed a threat. She had no answer, but kept referring to other cases which have no bearing on this case.

At another point Planned Parenthood's lawyer was asked if even The New York Times could be sued under her theory of "threats" if it simply published the names and addresses of abortionists. When Planned Parenthood's lawyer began hemming and hawing, one of the judge's interjected: "But you wouldn't take on the New York Times, would you?"

You see, the jury in this case was instructed that our pro-life clients could be guilty of "threats" even if they had no intention of threatening anyone, so long as it was "foreseeable" that the abortionists named in their posters would "interpret" them as threatening. That theory would make even a newspaper liable for threats just by publishing personal information.

While I cannot predict the outcome of the appeal, we here at the Association are very hopeful that for once the freedoms extended to all other political protesters will be extended to pro-lifers as well, and that the double-standard of hostility toward only the free speech of pro-lifers will be rejected.

Please, pray up a storm for a final victory in this case. If we do not win this appeal, it will be a very dark day for the pro-life movement in general. The double-standard which threatens to snuff out any effective pro-life activism will have advanced into very dangerous territory indeed.

Already, across the country, pro-life activism has been chilled by the prospect of being sued for millions of dollars and even thrown in jail for "contempt" if one publishes the "wrong" kind of political poster against an abortionist. We cannot afford to lose this case.

A decision by the Ninth Circuit could come any day, or it could take another six months. Your prayers are crucial. Ask others to pray as well. And have every priest you know offer a Mass for our success in this case.

Another Anti-Life Injunction Appealed

Meanwhile, life goes on here at the Association. We have just appealed to the Second Circuit Court of Appeals an outrageous injunction which forces pro-life protesters to stand across a four lane highway from an abortion mill run by Planned Parenthood of Rochester, where our clients' peaceful protests had been very effective at persuading women not to destroy their babies.

This injunction creates "speech-free bubble zones" of more than 50 feet on either side of the clinic, making it impossible for our clients' pro-life message to be heard or for women to be counseled to save their babies. They have no place to go where they can be seen by people entering the clinic except across the highway, where they cannot be heard.

This injunction is based on nothing but phony complaints that the protesters were "noisy" and "obstructive." Planned Parenthood has no real evidence to support this claim.

And, oddly enough, an earlier injunction keeping protesters 15 feet from clinic entrances and driveways was in place for seven years without any complaints of "noise" or "obstruction."

The only reason Planned Parenthood demanded a new and even more repressive injunction is that it wanted our pro-life clients to be so far away that their message could not be heard. But an injunction which makes it impossible to be heard is by definition unconstitutional, as several Supreme Court cases have made clear.

We are hopeful that the Second Circuit or, if necessary, the U.S. Supreme Court, will reverse this injunction and restore our clients' constitutional right to effective protest of abortion.

A Courageous and Holy Priest Under Attack

We have also accepted a new, very important pro-life case involving the right of pro-lifers to protest abortion on so-called "private property." This case, in which we are co-counsel with a local pro-life attorney, involves an abortion mill in an office complex in Long Island, NY. The complex is open to every other member of the general public -- except a holy and courageous Catholic priest and some fellow pro-lifers.

~~This peaceful and kindly priest has been very effective at quietly persuading women not to let the notorious Dr. Moshe Hachamovitch butcher their babies in late-term, second trimester abortions at his clinic on the premises.~~

Hachamovitch has been named in almost thirty separate malpractice suits alleging negligence and wrongful death in the operation of his chain of abortion clinics. Hachamovitch has been implicated in a total of six patient deaths.

Hachamovitch has sued the priest we represent based on a theory of "trespass" -- even though the same priest was twice acquitted of trespass in criminal court. Having failed in his

efforts at criminal prosecution, Hachamovitch now seeks an injunction based on "trespass" -- on an open sidewalk which anyone else in the world can use!

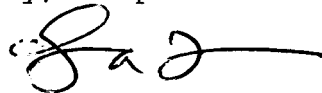
Wouldn't you know it -- the New York Civil Liberties Union is on the side of Hachamovitch, and against the free speech of pro-lifers. These characters are in favor of free speech for everyone, even the Nazis in Skokie, Illinois, but not for those who protest the slaughter of children in the womb. NYCLU has filed a motion for summary judgment granting a permanent injunction to keep our client away from the sidewalk leading to Hachamovitch's killing chamber. We have just filed a brief and affidavit opposing the motion and demanding the right to a full trial.

This case involves a unique issue of the discriminatory use of trespass law on quasi-public sidewalks. We have promised to take this case all the way to the United States Supreme Court, if necessary, without charging a single cent for legal fees.

That is what we do. That is what your support, both material and spiritual, makes possible.

We hope you will continue your support in the months and years to come, as we do our part to meet the ever-growing challenge to the rights of Catholics in America.

Mary, Help of Christians, Pray for Us



Christopher A. Ferrara
Chief Counsel

P.S. We are still awaiting the Second Circuit's decision in the Bedford Central School District case, in which a federal judge ruled in our favor and struck down several outrageous activities by public school authorities which promoted non-Christian religion in the Bedford schools.

These activities included an earth-worshipping ritual in which the entire high school student body was made to assemble around an earth-totem, while "symbolic gifts and tributes" were offered to the Earth -- with ceremonial tom-toms beating in the background! I am not kidding!

The School District has appealed the decision in our favor. Please pray that the Second Circuit upholds every aspect of our victory at trial.

Yes! I would like to help the American Catholic Lawyers Association continue to fight the forces of secularism by providing free legal services to Catholics under fire. Here is my tax-deductible gift to help the ACLA defend pro-lifers and other faithful Catholics who urgently need free legal assistance.

_____ \$1,000 _____ \$500 _____ \$100
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There is no need to acknowledge my gift,
I know that it is appreciated.

*Thanks! With your help, we'll continue to
fight for the rights of Catholics in America.*

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