

Wednesday, October 11, 1989

High Court OKs use of RICO act against pro-life protestors

WASHINGTON (AP) — The Supreme Court turned away free-speech arguments Tuesday and allowed the use of a federal racketeering law against 26 anti-abortion protesters in Philadelphia.

The court let stand a successful lawsuit against the protesters by the operators of an abortion clinic in that city.

Similar lawsuits, each invoking the Racketeering Influenced and Corrupt Organizations Act (RICO), have been filed against "pro-life" activists in cities such as Pittsburgh, Chicago and Brookline, Mass.

Using the federal law lets those who win suits collect three times whatever financial damages they prove, a feature not available in many suits filed under state law. In the Philadelphia case, the clinic operators were awarded about \$2,600 in tripled RICO damages.

The litigation strategy has proved troubling to some abortion rights advocates, who fear that political protesters will be labeled "racketeers" and held financially liable for nothing more than ex-

pressing their views.

For example, American Civil Liberties Union lawyer Antonio Califa recently wrote: "The ACLU believes that civil RICO's potential for chilling First Amendment rights of expression is enormous."

But in upholding a \$108,000 award against the 26 Philadelphia protesters last March, the 3rd U.S. Circuit Court of Appeals said their actions "went beyond . . . constitutional rights of speech and protest."

The protesters on four occasions from 1984 to 1986 unlawfully entered the Northeast Women's Center in Philadelphia. According to trial testimony, protesters threw medical supplies on the floor, damaged equipment, assaulted the clinic's employees and harassed patients.

Tuesday's action does not preclude the nation's highest court from granting review in some future case in which more peaceable anti-abortion demonstrators are sued under the racketeering law.

"This is one battle in a long war," said Michael

McMonagle, one of the 26 Philadelphia protesters and executive director of the Pro-Life Coalition of Southeast Pennsylvania.

"We intend to continue our efforts to non-violently save children and mothers from abortion at the abortion facilities," McMonagle said. "This case will not deter that one bit."

Edmond A. Tiryak, the abortion clinic's lawyer, said the Supreme Court action "shows that our society will not tolerate the use of fear and intimidation by religious fanatics to impose their will on women seeking abortion services."

In their appeal, the 26 protesters decried "an unprecedented and dangerous expansion of" the federal law primarily aimed at fighting organized crime. They said the law was being used to stifle political expression.

"Under the 3rd Circuit's interpretations of RICO . . . Martin Luther King was a racketeer when he trespassed on private property and conspired with others in an attempt to change the business policies of owners of segregated lunch counters," the appeal contended.

Party compromise worries Hungary

BUDAPEST, Hungary (AP) — Some opposition politicians said Tuesday that compromises made at a historic Communist Party congress, at which the party was dissolved and a new Socialist Party formed, would cause political instability.

The four-day congress that ended Monday overwhelmingly approved a new party line calling for "a constitutional state based on a multiparty system where the source of the power is the will of the people ex-

pressed in free elections."

A manifesto adopted by the congress pledged commitment to democracy and a break with the Leninist mold. But it remained unclear whether — and how fast — the new party will divest itself of all remnants of Communist rule.

The congress elected Rezszo Nyers, formerly Communist Party chairman, as president of the new party. It named a 25-member presidium, where reformers are in the majority.

Nyers, speaking at a rally of about 600 people Tuesday, admitted some problems when he said that "some still feel that the Communists are incapable of democratization."

Meeting reporters afterward, he said that "major changes are required for the party to win the people's trust."

Zoltan Biro of the opposition Hungarian Democratic Forum expressed skepticism about the political changes.

"I do not consider fortunate the agreement between the various forces, although I am glad that the left wing of the party, which does not wish to accept democracy, cannot feel at home in this successor party," Biro told the *Mai Nap* newspaper.

He was apparently referring to the congress' decision to reject radical reformers' demands that diehard Marxists be shut out of the party.

"The best solution would have been a clear split, with the left wing of the party going off on its own," Biro was quoted as saying. "Judging by the composition of the presidium, such a split should not be ruled out."

"We suspect that no essential change occurred" at the party congress, said Tibor Vidos of the opposition Free Democrats.

"Despite the role of the platforms, the real decisions were made in camera by the platform leaders," he said. "We fear that this party will remain a source of instability in the country."

Zoltan Rockenbauer, a leader of the League of Young Democrats, said he believed unity was achieved at the congress through compromise on the part of radical reformers, and could lead to "the new party's loss of credibility in the public view."

A Budapest taxi driver said: "They can talk till they drop. All I know is that I work 14 hours a day to feed my two kids."

Imre Kerepes, a garage repairman, concurred. "All I know is that I see the same faces," he said.

South Africa to release six political prisoners

JOHANNESBURG, South Africa (AP) — President F.W. de Klerk said today that six African National Congress leaders will soon be freed but that Nelson Mandela is not among them.

De Klerk said the formalities may take some time, but all the men had served many years and were quite old.

The guerrilla leaders were among eight prisoners the government said would soon be released. They were sentenced to life in prison along with Mandela in 1964.

The announcement, read on government-run television, said that Mandela's own release "is not now on the agenda."

The most prominent of the prisoners to be released is Walter Sisulu, 77, who ran day-to-day operations of the African National Congress as its secretary-general from 1949-54, when the government ordered him to resign.

Sisulu was imprisoned for life in June 1964 along with the other leaders of the guerrilla group's internal military wing.

Mandela, South Africa's most prominent anti-apartheid activist, has been in prison since 1962.

In 1962, Mandela was sentenced to five years for leaving the country illegally and organizing an illegal strike by blacks. While serving that sentence he was convicted in 1964 of sabotage and sentenced to life in prison.

Soviet reports of alien's visit grow more and more bizarre

MOSCOW (AP) — A three-eyed alien with a robot sidekick landed by UFO and made a boy vanish by zapping him with a pistol, a Soviet newspaper reported Tuesday, in a second day of strange tales in the state-run media.

But as the bizarre saga of the space invasion of the city of Voronezh unfolded for a second day, a scientist whose words were used to buttress the first published report voiced doubts, and said he was in part misquoted.

"Don't believe all you hear from Tass," Genrikh Silanov, head of the Voronezh Geophysical Laboratory, cautioned in a telephone interview with the Associated Press from Voronezh. "We never gave them part of what they published."

On Monday, the usually staid, official Soviet news agency told the world that scientists had confirmed an alien spaceship carrying giant people with tiny heads had touched down in Voronezh, a city of more than 800,000 people about 300 miles southeast of Moscow.

As many as three aliens 13 feet tall left the spacecraft, described as a large shining ball, and walked in the park with a small robot, Tass reported. A Tass duty officer stood by the story. "It is not April Fool's today," he said.

The purported close encounter in Voronezh was only the latest weird tale to appear in the Soviet media, which under the policy of "glasnost" or openness have recently told of other sightings of UFOs and the Yeti, or abominable snowman.

Monday's report spawned rumors in Moscow, including one that the aliens told Voronezh residents the Earth would be destroyed by the year 2000 if people didn't stop polluting it.

Nonetheless, a Communist Party paper whose avowed mission is to write about culture was the only major national daily to print anything Tuesday about the UFO, indicating more authoritative newspapers like Pravda thought the topic too hot to handle.

Sovietskaya Kultura said its coverage was motivated by "the golden rule of journalism: the reader must know everything."

"Of course, it's hard to believe in what happened in

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— Genrikh Silanov, Head of Voronezh Geophysical Lab

the town," it reported from Voronezh. "It's even more difficult to explain."

The daily quoted witnesses as saying the UFO flew into Voronezh on Sept. 27. At 6:30 p.m., it said, boys playing soccer saw a pink glow in the sky, then saw a deep red ball about 10 yards in diameter. The ball circled, vanished, then reappeared minutes later and hovered, it said.

A crowd rushed to the site, Sovetskaya Kultura said, and through an open hatch saw a "three-eyed alien" about 10 feet tall, clad in silvery overalls and bronze-colored boots, and wearing a disk on his chest.

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