

Thomas More Society

PRO-LIFE LAW CENTER
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September 7, 2007

By Telefax (312-592-6801) & Priority Mail

Mr. Steven Trombley
President and Chief Executive Officer
Planned Parenthood/Chicago Area
18 South Michigan Avenue, 6th Floor
Chicago, Illinois 60603

Re: Fox Valley Families, etc. v. Planned Parenthood, et al

Dear Mr. Trombley:

We represent Fox Valley Families Against Planned Parenthood (“Fox Valley Families”), Eric Scheidler, and other residents of Aurora, Illinois, and the Fox River Valley who have been exercising their First Amendment rights, lawfully and peaceably, in opposition to the abortion facility which you propose to open in Aurora. We are writing you, on behalf of our clients, to demand a prompt and public retraction of false, libelous and malicious statements in your letter, dated September 4, 2007, to the mayor and aldermen of the City of Aurora (“letter”), and also in recent newspaper ads.

Specifically, you falsely stated in your letter that those “opposing [your] new facility [who] are headquartered in Aurora ... have a well-documented history of advocating violence against both persons and property as well as other related criminal activity” (letter, p. 1). You go on to assert, also falsely, that “the zealots who have been opposing our new facility have a well-documented history of violence and criminal activity” (*id.*, p. 3).

Eric Scheidler, who resides with his family in Aurora and coordinates Fox Valley Families, has never been arrested let alone convicted of any criminal act in connection with pro-life or anti-abortion activity. He has never advocated violence against either persons or property. Nor has he engaged in any such violence in opposing abortion, or otherwise. Nor has any other coordinator or leader of Fox Valley Families. Nor to our knowledge has any violent act been committed, much less condoned, by any participant in the 40-day vigil in opposition to your new facility. Protest against your facility has been entirely peaceable and prayerful.

Your many assertions about the Pro-Life Action League (“the League”) and Joseph Scheidler, its director, are red herrings as they have nothing to do with the Aurora protests. But they too are false and misleading. This you well know, as your Planned Parenthood clinics were part of *NOW v. Scheidler*, a national class action suit, and you

are bound by its final result in favor of the League and Scheidler. The verdict your letter cites is a legal nullity, as it was reversed by the United States Supreme Court, not just once but twice. In 2003, the verdict was overturned, 8-1. Then in 2006, the Justices again ruled for the League and Scheidler 8-0, “unanimously” – as you describe the verdict (letter, p. 1) while omitting any mention of its reversal. Final judgment was just entered for the League and Scheidler, in compliance with the mandate of the U.S. Supreme Court, in federal district court here in Chicago.

On top of all this, the “121 crimes” found by jurors in their legally flawed verdict were in all but a mere 4 instances what Dr. Martin Luther King had described as “peaceable, non-violent direct action” – peaceful, passive acts of Gandhian civil disobedience. Dr. King’s organization, the Southern Christian Leadership Conference (“SCLC”) submitted a ‘friend of the Court’ brief arguing that SCLC too would have been deemed “corrupt” and violent if your flawed legal theory had been used against it. No wonder that theory was repudiated by our nation’s highest Court!

No one knows what were the merely 4 acts or threats of physical violence those jurors found or who committed them or when or where they were committed over 12 years of coast-to-coast pro-life activism. Even so, defendants proved after trial that much of the evidence put before those jurors was falsified, including much of what you relate in your letter. And of course, none of it – not a shred of it! – held up on appeal.

But *NOW v. Scheidler* has nothing whatever to do with the protests against your proposed facility in Aurora. Eric Scheidler was never named or involved in any way in that case. Nor was any other Aurora protester. Yes, you may choose to disparage these protesters as “zealots,” but you may not defame them as violent criminals with impunity.

Those opposed to your new facility have a First Amendment right lawfully to protest against your proposed killing of human beings you deem “unwanted.” They have every right, moreover, to protest against your encouraging teens to engage in sexual activity without limit or restraint under the guise of “safe sex.” Yes, you may find this annoying or deem it “harassing.” But good citizens have a right, if not also a duty, to speak out against what they find harmful to the public interest. Yes, you may disagree with their point of view, but you may not smear their good names and reputations with libelous falsehoods.

Should you not retract your false and libelous assertions against Eric Scheidler, or the Aurora protesters, or Fox Valley Families promptly by follow up letter, or by newspaper advertisement, or by public testimony at Aurora’s next council meeting next Tuesday evening, we shall seek legal redress.

Moreover, we shall press Aurora officials to seek redress for your false and misleading statements during the permit process when, as you were quoted in the *Chicago Tribune*, you took pains to keep your actual plans “secret” for as long as possible. As former Supreme Court Justice Louis D. Brandeis insisted, “the best disinfectant is sunlight.” Those who try to confuse, deceive or mislead public officials must be held accountable.

Very truly yours,

A handwritten signature in black ink, appearing to read "Tom Brejcha". The signature is written in a cursive, flowing style.

Thomas Brejcha,
President & Chief Counsel

TB/ak
cc: Fox Valley Families, et al