

Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

**SCHEIDLER ET AL. v. NATIONAL ORGANIZATION FOR
WOMEN, INC., ET AL.****CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE SEVENTH CIRCUIT**

No. 01–1118. Argued December 4, 2002—Decided February 26, 2003*

Respondents, an organization that supports the legal availability of abortion and two facilities that perform abortions, filed a class action alleging that petitioners, individuals and organizations that oppose legal abortion, violated the Racketeer Influenced and Corrupt Organizations Act (RICO), 18 U. S. C. §§1962(a), (c), and (d), by engaging in a nationwide conspiracy to shut down abortion clinics through “a pattern of racketeering activity” that included acts of extortion in violation of the Hobbs Act, §1951. In concluding that petitioners violated RICO’s civil provisions, the jury found, among other things, that petitioners’ alleged pattern of racketeering activity included violations of, or attempts or conspiracy to violate, the Hobbs Act, state extortion law, and the Travel Act, §1952. The jury awarded damages, and the District Court entered a permanent nationwide injunction against petitioners. Affirming in relevant part, the Seventh Circuit held, *inter alia*, that the things respondents claimed were extorted from them—the class women’s right to seek medical services from the clinics, the clinic doctors’ rights to perform their jobs, and the clinics’ rights to conduct their business—constituted “property” for purposes of the Hobbs Act. The Court of Appeals further held that petitioners “obtained” that property, as §1951(b)(2) requires. The court also upheld the issuance of the nationwide injunction, finding that private plaintiffs are entitled to obtain injunctive relief under §1964(c).

*Together with No. 01–1119, *Operation Rescue v. National Organization for Women, Inc., et al.*, also on certiorari to the same court.

Held:

1. Because all of the predicate acts supporting the jury's finding of a RICO violation must be reversed, the judgment that petitioners violated RICO must also be reversed. Pp. 4–15.

(a) Petitioners did not commit extortion within the Hobbs Act's meaning because they did not "obtain" property from respondents. Both of the sources Congress used as models in formulating the Hobbs Act—the New York Penal Code and the Field Code, a 19th-century model penal code—defined extortion as, *inter alia*, the "obtaining" of property from another. This Court has recognized that New York's "obtaining" requirement entailed both a deprivation and acquisition of property, see *United States v. Enmons*, 410 U. S. 396, 406, n. 16, and has construed the Hobbs Act provision at issue to require both features, see, *e.g.*, *id.*, at 400. It is undisputed that petitioners interfered with, disrupted, and in some instances completely deprived respondents of their ability to exercise their property rights. Likewise, petitioners' counsel has acknowledged that aspects of his clients' conduct were criminal. But even when their acts of interference and disruption achieved their ultimate goal of shutting down an abortion clinic, such acts did not constitute extortion because petitioners did not "obtain" respondents' property. Petitioners may have deprived or sought to deprive respondents of their alleged property right of exclusive control of their business assets, but they did not acquire any such property. They neither pursued nor received "something of value from" respondents that they could exercise, transfer, or sell. *United States v. Nardello*, 393 U. S. 286, 290. To conclude that their actions constituted extortion would effectively discard the statutory "obtaining" requirement and eliminate the recognized distinction between extortion and the separate crime of coercion. The latter crime, which more accurately describes the nature of petitioners' actions, involves the use of force or threat of force to restrict another's freedom of action. It was clearly defined in the New York Penal Code as a separate, and lesser offense than extortion when Congress turned to New York law in drafting the Hobbs Act. Congress' decision to include extortion as a violation of the Hobbs Act and omit coercion is significant here, as is the fact that the Anti-Racketeering Act, the predecessor to the Hobbs Act, contained sections explicitly prohibiting both. The Hobbs Act omission is particularly significant because a paramount congressional concern in drafting that Act was to be clear about what conduct was prohibited, *United States v. Culbert*, 435 U. S. 371, 378, and to carefully define the Act's key terms, including "extortion," *id.*, at 373. Thus, while coercion and extortion overlap to the extent that extortion necessarily involves the use of coercive conduct to obtain property, there has been and contin-

Syllabus

ues to be a recognized difference between these two crimes. Because the Hobbs Act is a criminal statute, it must be strictly construed, and any ambiguity must be resolved in favor of lenity. *Enmons, supra*, at 411. *Culbert, supra*, at 373, distinguished. If the distinction between extortion and coercion, which controls these cases, is to be abandoned, such a significant expansion of the law's coverage must come from Congress, not from the courts. Pp. 4–14.

(b) This Court's determination as to Hobbs Act extortion renders insufficient the other bases or predicate acts of racketeering supporting the jury's conclusion that petitioners violated RICO. In accordance with this Court's decisions in *Nardello* and *Taylor v. United States*, 495 U. S. 575 (1990), where as here the Model Penal Code and a majority of States recognize the crime of extortion as requiring a party to obtain or to seek to obtain property, as the Hobbs Act requires, a state extortion offense for RICO purposes must have a similar requirement. Thus, because petitioners did not obtain or attempt to obtain respondents' property, both the state extortion claims and the claim of attempting or conspiring to commit state extortion were fatally flawed. The violations of the Travel Act and attempts to violate that Act also fail. These acts were committed in furtherance of allegedly extortionate conduct, but petitioners did not commit or attempt to commit extortion. Pp. 14–15.

2. Without an underlying RICO violation, the District Court's injunction must necessarily be vacated. The Court therefore need not address the second question presented—whether a private plaintiff in a civil RICO action is entitled to injunctive relief under §1964(c). Pp. 15–16.

267 F. 3d 687, reversed.

REHNQUIST, C. J., delivered the opinion of the Court, in which O'CONNOR, SCALIA, KENNEDY, SOUTER, THOMAS, GINSBURG, and BREYER, JJ., joined. GINSBURG, J., filed a concurring opinion, in which BREYER, J., joined. STEVENS, J., filed a dissenting opinion.