

RESOURCE GUIDE

VIOLENCE AGAINST REPRODUCTIVE HEALTH CARE PROVIDERS

REVISED 2010

Feminist Majority Foundation

National Abortion Federation

Planned Parenthood Federation of America

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COALITION ORGANIZATIONS

Feminist Majority Foundation

The Feminist Majority offers the following services through their National Clinic Access Project, in an effort to keep clinics open in the face of the war of attrition waged by abortion opponents.

1600 Wilson Blvd., Suite 801
Arlington, VA 22209
Phone: (703) 522-2214
Fax: (703) 522-2219

8105 W. 3rd St.
Los Angeles, CA 90048
Phone: (323) 651-0495
Fax: (323) 653-2689

For more information, visit the web site at www.feminist.org

Public Education

The Feminist Majority Foundation disseminates reports and information to the media in order to expose anti-abortion violence and to chronicle national clinic defense developments. The Feminist Majority Foundation conducts surveys to document the severe violence clinics experience.

Monitoring Clinic Violence

The Feminist Majority Foundation monitors and tracks anti-abortion violence nationwide, serving as an early-warning system to imperiled clinics and law enforcement. The FMF sends "Security Alerts" to clinics and law enforcement about severe violence occurring in the United States.

Emergency Clinic Crisis Survival Assistance

Direct emergency financial, legal, security, training and media assistance to the most severely targeted clinics, and efforts to secure the intervention of local, state, and federal law enforcement officials to stop clinic violence.

Community Organizing

FMF sends trained teams of community organizers to targeted cities to assist local communities in mobilizing and training pro-choice volunteers to keep clinics open

National Abortion Federation (NAF)

The National Abortion Federation is the professional association of abortion providers in the United States and Canada. Members include health care professionals at clinics, doctors' offices, and hospitals.

1660 L St., NW, Suite 450
Washington, DC 20036
Phone: (202) 667-5881
Fax: (202) 667-5890

For more information, visit the website at www.prochoice.org.

Security Services

NAF works to prevent violence against abortion providers by providing them with direct, on-site security training and assistance. NAF also works closely with law enforcement officials to provide intelligence and to help improve law enforcement's response to incidents of violence and disruption at clinics.

Intelligence Information

NAF collects intelligence information including names, addresses, photos, tactics and arrest histories of anti-abortion groups and individuals. Some of these groups and individuals publicly advocate violence against abortion providers or have given NAF reason to believe that they pose a potential threat of serious violence. Others may not have directly advocated arson, murder, or other acts of violence against providers, but have been involved in various forms of anti-choice harassment and intimidation.

Violence Statistics

NAF has been compiling statistics on incidents of violence and disruption against abortion providers since 1977. Our comprehensive database is an invaluable resource that enables us to detect changes in the patterns and trends in anti-abortion activities.

Planned Parenthood Federation of America (PPFA)

PPFA is a nationwide network of reproductive health providers, with over 800 health centers administered by over 100 Planned Parenthood affiliates. Planned Parenthood health centers offer comprehensive reproductive health care including birth control, sexuality education, disease testing and treatment, and abortion.

434 West 33rd St.
New York NY 10001
Phone: (212) 261-4615
Fax: (212) 261-4569

Additional information is available at www.plannedparenthood.org

Security Technical Assistance

The PPFA Security Group provides all its affiliates with security technical assistance, including sample policies and protocols, risk assessment, 24 hour access to advice and incident response, on site security surveys, clinic and security system design consultations and staff training. We work with local law enforcement as needed both proactively and in response to incidents.

Direct Grants

PPFA is able to offer its affiliates grant funding for security upgrades, based on need and an application and review process.

Incident Reporting/Alerts/Opposition Information

Affiliates file incident reports on a regular basis which are collated and published internally, and analyzed for trends. We are able to reach all of our sites by email and/or cell phone in case of an emergency or developing crisis. In addition we maintain a database of names, photos, license plate etc. of anti-choice groups and individuals. We routinely provide affiliate with relevant information gleaned from the websites of these organizations.

ADDITIONAL RESOURCES

THE CENTER FOR REPRODUCTIVE RIGHTS

120 Wall Street, 18th Floor

New York, NY 10005

Phone: (212) 514-5534

Fax: (212) 514-5538

<http://www.crlp.org>

THE NATIONAL CENTER FOR WOMEN & POLICING

c/o The Feminist Majority Foundation

8105 West Third Street, Suite 1

Los Angeles, CA 90048

Phone: (213) 651-0495

Fax: (213) 653-2689

<http://www.feminist.org/police/ncwp.html>

NOW LEGAL DEFENSE & EDUCATION FUND

99 Hudson Street, 12th Floor

New York, NY 10013

Phone: (212) 925-6635

Fax: (212) 226-1066

<http://www.nowdef.org>

NATIONAL TASK FORCE ON VIOLENCE AGAINST HEALTH CARE PROVIDERS

On November 9, 1998, Attorney General Janet Reno established the Task Force on Violence Against Health Care Providers two weeks after the October 23, 1998, shooting death of Dr. Barnett Slepian, a reproductive health care provider who lived and worked in western New York.

The Task Force is led by the Assistant Attorney General for the Civil Rights Division of the Department of Justice. The Department of Treasury's Assistant Secretary for Enforcement represents that Department on the Task Force and actively participates in the oversight of the Task Force. The Task Force is staffed by attorneys and other staff from the Civil Rights and Criminal Divisions of the Department of Justice, and by investigators and other representatives from the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco, and Firearms, the U.S. Postal Inspection Service, and the U.S. Marshals Service.

The Attorney General charged the Task Force with the following functions:

- Coordinate national investigation and prosecution of incidents of abortion violence with a focus on connections that may exist between individuals involved in criminal anti-abortion activities;

- Serve as a clearinghouse for information relating to acts of violence against abortion providers, and collect and coordinate data identifying national trends related to clinic violence;

- Make security recommendations to enhance the safety and protection of providers;

- Assist the work of the U.S. Attorneys' local working groups on clinic violence;

- Enhance training of federal, state, and local law enforcement on issues relating to clinic violence;
and

- Support federal civil investigation and litigation of abortion-related violence.

HISTORY OF CLINIC VIOLENCE

For over three decades, reproductive health clinics and health care providers throughout the nation have been under attack. Physicians and clinic workers have been shot, clinics have been bombed and burned down and patients and staff members intimidated.

Anti-abortion violence threatens access to a wide range of health care, not just abortion. Clinics provide a variety of services, and often serve geographic regions where no other care is available. The majority of reproductive health clinics (99 percent)¹ provide gynecological and pre-natal care, routine cancer screening, HIV testing, screening and treatment for STIs (sexually transmitted infections), menopause, infertility, adoption, and family planning services.

Shortly after the 1973 *Roe v. Wade* Supreme Court decision validated the legality of abortion services, anti-abortion extremists began an organized assault on women's health care. The first reported clinic arson was in 1977, but there are indications previous criminal acts occurred because the clinic(s) offered abortion.

Anti-abortion extremists invaded, blockaded, vandalized and bombed clinics as well as murdered and wounded abortion providers, staff members, and supporters. Throughout the 1980's and early 1990's clinics were the focus of escalating attacks, as well as campaigns of attrition, targeting one group of clinics and health care workers; then, after those clinics close or limit services, they move on, targeting the next set of clinics.

Anti-abortion violence gained national attention in 1982, when Dr. Hector Zevallos and his wife Rosalie Jean were kidnapped in August after three clinics had been bombed in the spring. Brothers Matthew and Wayne Moore, along with Don Benny Anderson, were convicted of kidnapping and extortion, and the Moore brothers of bombing the clinics, in Arlington, VA, St. Petersburg and Clearwater, FL. By the end of 1984, 25 clinics experienced bombings or arsons, along with the Washington, D.C. offices of the National Abortion Federation and the American Civil Liberties Union.

¹ 2000 National Clinic Violence Survey, Feminist Majority Foundation [FMF].

Operation Rescue (OR) gained national attention in 1988 by blockading Atlanta clinics during the Democratic National Convention. OR organized protesters to blockade abortion clinics across the country throughout the late 1980s and early 1990s. Often, thousands of people participated in these blockades, many traveling from outside the area at the urging of group leaders. It was not unusual for 200 or 300 protesters to be arrested at a time. Arrests in these numbers put significant burdens on local law enforcement and courts, and escalated the costs to taxpayers and local governments -- plus the charges often were only misdemeanor trespass laws, so protesters released after a few hours promptly returned to the clinics to be arrested repeatedly.

In the first seven months of 1993, half of all surveyed abortion clinics nationwide experienced one or more severe forms of violence.² Further, 21% reported their doctors or staff members were the subject of death threats, 14.9% stalking, 18.1% bomb threats, 1.8% arsons, 10.3% chemical attacks, 16% blockades and 14.6% invasions. The National Abortion Federation (NAF) reported 437 extreme incidents of anti-abortion violence³ that year at its 300 member clinics.

In 1993, anti-abortion extremists intensified pressure on abortion providers, circulating "WANTED" posters with doctors' names and personal information, and stalking and threatening health care professionals and their families. Operation Rescue operated a series of trainings in Florida to train anti-abortion individuals in specialized tactics to close clinics and intimidate staff members.

Arsons were a major threat in 1993. In February and March, three clinics suffered approximately \$800,000 in damages from fire. Thirteen clinics experienced fires that law enforcement later labeled arsons, with damages approximating \$2.96 million.

On March 10, 1993, Dr. David Gunn was murdered by Michael Griffin outside the Pensacola (FL) Women's Medical Center. Anti-abortion activist Paul Hill, escalating the atmosphere in Pensacola, began advocating "Justifiable Homicide," or the use of force as a tactic against providers. Hill circulated

² 1993 National Clinic Violence Survey, Feminist Majority Foundation.

³ NAF defines 'extreme violence' as actual and attempted arson and bombing, physician or staff stalking, death threats, assault and battery, kidnapping, invasion, bomb threats, burglary, and murder.

petitions endorsing the use of force; several leaders of national anti-abortion organizations signed the petitions and joined Hill demonstrating outside Griffin's trial, demanding his release and acquittal.

Later that year, Dr. George Tiller was severely wounded as he drove away from his Wichita, KS, clinic. Extremist Shelley Shannon fired point-blank at Tiller, who was wounded in both arms but recovered and continues practicing. Shannon was quickly arrested and remains in prison, serving a life sentence.

The national atmosphere over these horrific attacks led to an organized movement for Congress to pass new federal legislation to address clinic violence. The Freedom of Access to Clinic Entrances Act (FACE) was passed and signed into law in 1994. This federal law The FACE Act makes it a federal crime to commit a range of violent, obstructive and threatening activities toward reproductive health providers and their patients. FACE also authorizes reproductive health care providers, the state attorney general, and/or the federal government to bring civil lawsuits to get injunctions against these activities, or to get monetary damages.

However, even with federal legislation, clinic violence remained widespread throughout 1994. Over half of clinics reported incidents of severe violence.⁴ Specific death threats and stalking were again the most frequently reported type of violence, from both NAF members and respondents to the FMF survey.

Physicians continued to be the main target of anti-abortion attacks. Extremists' strategy represented that if physicians were eliminated, either because they were killed, injured, or too afraid to practice, access to reproductive health services would be eliminated in spite of being legal.

In July 1994, again in Pensacola, Dr. John Bayard Britton and clinic escort Lt. Col. (Ret.) James Barrett were killed and volunteer escort June Barrett wounded by Paul Hill, the same extremist who had been promoting "justifiable homicide." Knowingly killing and wounding escorts marked another escalation of extremists' activity. Now anyone involved in reproductive health care was a target for violence. Anti-choice extremists labeled clinics "war zones" and declared even bystanders on the street at risk.

On December 30, 1994, a shooting rampage at two Brookline, MA, clinics left two receptionists dead, and five other people - families, friends of patients and an armed security guard - wounded. The

⁴ 1994 FMF National Clinic Violence Survey.

assailant, John Salvi, traveled to Norfolk, VA, where he was arrested after failing to enter another clinic and wildly shooting in the medical office building and parking lot.

By 1995, clinics began to feel some relief from increased enforcement of the Freedom of Access to Clinic Entrances Act (FACE) and a 1995 US Supreme Court decision affirming the use of buffer zones around clinics (Madsen, et al. v. Women's Health Center, Inc. et al. 114 S.Ct.2 516, 1994). For the first time, clinics reported more decreases than increases in every category of violence⁵. The smallest decreases were in death threats and stalking. PPFA affiliates reported 5,492 incidents of violence and harassment, down 13% from 1994; NAF member clinics experienced 158 extreme acts of violence.

NAF noted a disturbing trend in 1996 -- repeated arsons of the same facilities. Two arsons were attempted at the Women's Health Care Clinic, Boise, ID, with the second arson resulting in the relocation of the clinic. In December 1996, NAF reported three arsons attempted at the A-Z Women's Center, Phoenix, AZ.

In January 1997, the Feminist Majority Foundation, Planned Parenthood Federation of America, and the National Abortion Federation held a Washington, D.C. joint press conference to refute claims that anti-abortion violence was "no longer a problem." A few minutes into the session, two bombs exploded at the Atlanta (GA) Northside Family Planning Services Clinic. The first bomb went off against the outside wall of the building, with no injuries. A short time later, a second bomb detonated near a Dumpster in the back parking lot. This was the first instance of a secondary device set at a clinic to harm first responders. Secondary devices indicate an intent to injure or kill emergency rescue personnel and law enforcement responding to the first bomb. The second Atlanta blast injured seven people including federal law enforcement authorities, but no clinic staff members.

Weeks later, media outlets received a letter, purportedly from an anti-abortion extremist group calling itself the "Army of God," claiming responsibility for the clinic bombing and the February 1997 bombing of an Atlanta lesbian nightclub. The FBI later announced that the abortion clinic, the lesbian nightclub, and the August 1996 Olympic Park bombing were linked.

⁵ 1995 FMF Clinic Violence Survey

The Atlanta bombings inaugurated a violent year for clinics. Between January and November 1997, there were 13 arsons and bombings at clinics – nearly double the number in 1996. The 1997 bombings and arsons occurred at clinics in Portland, OR; Tuscaloosa, AL; Yakima, WA; Bozeman, MT; North Hollywood, CA; Greensboro, NC; Falls Church, VA; Bakersfield, CA; Atlanta, GA; and Tulsa, OK.

Anti-abortion violence also threatened Canadian doctors and clinics. Five abortion providers in southern Canada and U.S.-Canadian border cities were shot through windows of their homes by snipers using high-powered weapons. These shootings occurred in October and November of 1994, 1995, 1997 (two incidents) and 1998, on or around the November 11 Canadian “Remembrance Day” holiday. Anti-abortion extremists appropriated the day – a date akin to U.S. Veteran’s Day – to “remember the unborn.”

Then on January 29, 1998, the New Woman All Women’s clinic in Birmingham, AL, was bombed. Robert Sanderson, an off-duty police officer working as a security guard, was killed and nurse Emily Lyons was critically injured. Law enforcement charged Eric Rudolph in the Birmingham bombing as well as the 1996 and 1997 Atlanta bombings. Rudolph hid in the Western North Carolina mountains until his arrest in 2003, in the garbage dump behind a store in a small town in North Carolina.

During 1998 there were four clinic arsons – San Diego, CA, Asheville (two) and Fayetteville, NC. Five attempted clinic arsons or bombings in San Antonio, TX; Fayetteville, NC; Columbus, OH; and Fargo, ND. Nineteen clinics were vandalized with butyric acid, and approximately a dozen received threats through the mail warning of exposure to anthrax. The anthrax threat letters were hoaxes, but they caused considerable fear and always necessitated enormous amounts of investigation and response by law enforcement and first responders.

Tragically, on October 23, 1998, Dr. Barnett Slepian was shot and killed in his Amherst, NY, home by a sniper with a high-powered rifle. Dr. Slepian became the first fatality and the fifth victim in the series of ‘Remembrance Day’ shootings. Anti-abortion extremist James C. Kopp was charged in the shooting and after more than two years, was arrested in France on March 29, 2001. Two long-time anti-abortion activists, Dennis Malvasi and Loretta Marra, were also arrested in New York City and charged with conspiring to harbor and conceal a criminal (Kopp).

As a result of Dr. Slepian's murder, Attorney General Janet Reno established a national task force to investigate and address violence targeted against health care facilities and providers. This unit is called the National Task Force on Violence Against Health Care Providers, and currently continues its work.

There was a sharp rise in anthrax threat attacks in 1999 and 2000, with all regions of the country and dozens of clinics affected. While all these threats proved to be hoaxes, they are disruptive and demanding of community and clinic resources. Also in 1999, technology provided a new outlet for extremists – 18% of clinics reported experiencing harassment using the Internet.

2001 brought new strategies and personalities to the attention of providers and law enforcement. Clayton Lee Waagner, a convicted felon who threatened abortion clinic staff members and affiliates, escaped in February from an Illinois jail while awaiting sentencing for firearms and stolen vehicle charges. While loose, Waagner specifically threatened to kill 42 abortion providers and clinic staff members, carjacked one and stole several cars, robbed at least two banks, left a pipe bomb in an abandoned vehicle, and was seen in multiple states. Waagner was named as the primary suspect in two rounds of more than 500 anthrax threat letters sent to abortion and family planning clinics during October and November 2001. Waagner was placed on the FBI's Ten Most Wanted List in September and finally captured on December 5, 2001.

Other developments include the posting of photographs of staff and patients taken at clinics on anti-abortion web sites, the use of huge anti-abortion posters on large trucks paraded through towns and freeways, and campus campaigns by a group called the Center for Bio-Ethical Reform, and the bombing of a family practice physician's office in Tacoma, WA, where abortions were occasionally performed.

Abortion providers and increasingly clinic staff are the targets of home picketing by anti-abortion extremists. Protesters use graphic signs, "truth trucks," and abusive, aggressive and sometimes threatening language to harass and intimidate doctors and staff as well as their neighbors and family members. These home protests are often conducted in conjunction with mailings sent throughout the neighborhood informing people of the profession and place of employment of the staff person. They sometimes contain personal information about the staff person including their picture, home and work addresses and phone number.

Another increasingly used tactic is boycotts against abortion providers and the businesses they associate with. Abortion clinics that are opening, building new space or re-locating have been targeted with aggressive boycotts aimed at their contractors such as electricians and plumbers and other construction companies they employ. The boycotts are an attempt to pressure these contractors not to work on the project, so that the clinic is not able to complete the construction. Often these individuals are targeted with picketing at their homes.

We have also seen clinics targeted with boycotts of other businesses that work with the clinic, such as taxi companies, delivery services, medical waste companies, laundry services, medical supply companies, etc. Anti-abortion extremists publicize lists of companies they believe are associated with the clinic and encourage members of the community not to use their services. The goal of these boycotts is to disrupt the operation of the clinic and the ability of the clinic to provide care to patients, and to isolate abortion providers within their own communities.

A number of undercover operations involving recording, filming, entrapping and "phishing" phone calls have been aimed at clinics over the past several years. Anti-abortion extremists have made ample use of the ability to publish almost anything on the Internet.

Anti-abortion extremists have also gone on the offense in court, suing and threatening clinics and municipalities for what they claim is an infringement on their right to free speech through the enforcement of injunctions and laws. This has happened across the country and has had many harmful effects. Sometimes when this has happened or been threatened, local police departments have taken a conservative approach by refusing to enforce any laws requiring permits or prohibiting trespass. In some jurisdictions police officers can no longer work off-duty as security guards at clinics. In other instances, the clinic has been pitted against a city attorney. These actions can of course have an extremely adverse effect on a clinic's relationship with local law enforcement and their community. Anti-choice extremists have well-funded legal organizations that help bring and threaten these suits and we expect this trend to continue.

Most recently, in May 2009, after being targeted by extremists for decades, Dr. George Tiller was murdered in his church in Wichita, Kansas by . After his murder and through his trial in January 2010, extremists who support the use of force came out to support the man ultimately convicted of the

murder, Scott Roeder. A “defensive action” petition condoning Roeder’s actions was published and extremists came to his defense, publically proclaiming Roeder a hero. Clinics across the country have reported increases in anti-abortion activities, harassment and violence at their clinics.

The landscape of violence and harassment aimed at abortion providers has changed in the thirteen years since the implementation of the Freedom of Access to Clinic Entrances Act (FACE). Severe violence such as arsons and bombings have remained very low since the September 11th terrorist attacks altered both law enforcement’s and the public’s view of and response to domestic terrorism, although they do still occur. The recent resurgence in violence and harassment demonstrates that while the tactics of anti-abortion extremists continue to change and evolve, they remain committed to targeting women’s reproductive health clinics in a variety of ways that put lives in danger, prevent the exercise of constitutional rights and necessitate continued law enforcement intervention and vigilance.

Though times, tactics and key players have changed, abortion clinic violence and harassment remains. Local, state and federal law enforcement officers are a key component in keeping communities safe by preventing and responding to incidents of violence and other illegal activity. Consistently and fairly enforcing the law ensures that everyone is able to peacefully exercise their constitutional rights. Our statistics and our experience show clearly that when law enforcement has a positive working relationship with the clinics in their area that violence remains low and communities are safer. We look forward to continuing to work with all levels of law enforcement to ensure everyone’s safety and security.

NATIONAL CLINIC VIOLENCE SURVEY 2008 FEMINIST MAJORITY FOUNDATION

KEY FINDINGS

- **Severe violence in 2008 impacted 20% of all clinics, up from 18.4% in 2005.** Although the level of severe violence has increased slightly, the overall number of clinics impacted by severe violence has remained essentially unchanged.
- **Blockades, facility invasions, and stalking were the most commonly reported types of severe violence in 2008.** Among the responding clinics, 6.6% reported blockades, 5.1% reported facility invasions, and 4% reported stalking of physicians or clinic staff. Although invasions and stalking have increased since 2005, the number of blockades decreased from 8.3% to 6.6%. Dangerous but less common types of severe violence include death threats, assault, and bomb threats. The other types of violence affected less than 1% of the responding clinics.
- **The percentage of clinics experiencing three or more types of violence and harassment has slightly increased from 7% in 2005 to 9% in 2008.** However, the number of clinics has remained nearly the same, with 25 clinics experiencing three or more types of violence in 2008 compared to 26 clinics in 2005. The composite measure of violence and harassment includes the severe violence variables, the vandalism variables, home picketing, and break-ins. The percentage of clinics experiencing moderate violence remained essentially unchanged with 34% experiencing one or two types of violence in 2008, compared to 33% in 2005. In 2008, the 6.8% incidence of home picketing stayed comparable to previous years, as did the incidences of break-ins and anthrax threats. The number of clinics experiencing one or more of the eight vandalism variables remained essentially unchanged since 2005, although the percentage has increased due to a smaller universe of abortion providers.
- **The number of clinics experiencing anti-abortion intimidation tactics such as noise disturbances, approaching and blocking cars and photo/video of patients and recording of license plates has decreased in 2008.** Approaching/blocking cars steadily continues to be used as an intimidation tactic affecting approximately 47% of clinics. Of the 198 clinics that experienced at least one form of intimidation, 57% also indicated that they had been

targeted with one of the many forms of violence and harassment. In contrast, of the 76 clinics that did not report experiencing any such intimidation, only 18% were targeted, leaving 82% of clinics free from violence and harassment. In other words, when intimidation occurs at a clinic, the reported rate of violence triples.

- **The percentage of staff resignations as a result of anti-abortion violence, harassment or intimidation in 2008 remained at 4%.** Not surprisingly, clinics experiencing high levels of violence, harassment, and intimidation had a substantially larger percentage of staff resign. In 2008, 32% of clinics experiencing high levels of violence (three or more types) lost physicians or staff members.
- **Clinics that rated their local law enforcement response as "good" or "excellent" were less likely to experience anti-abortion violence or harassment.** In 2008, of those clinics that had contact with local law enforcement, 70% provided "good" or "excellent" ratings. Of the clinics that had contact with state law enforcement, 51% rated their experiences as "good" or "excellent" ratings. Of the clinics that had contact with federal law enforcement, 87% rated their response as "good" or "excellent".
- **In 2008, fewer clinics reported potential FACE violations to federal law enforcement authorities.** In 2008, only three percent of clinics reported that they contacted attorneys or federal law enforcement officials regarding potential violations of FACE, the lowest level ever reported. However, of the 9 clinics that reported potential violations, 56% of the contacts resulted in an investigation being opened, and 44% led to an interview with the involved parties. This is up from 15% and 8% in 2005, a dramatic improvement.



NAF VIOLENCE AND DISRUPTION STATISTICS
INCIDENTS OF VIOLENCE & DISRUPTION AGAINST ABORTION PROVIDERS IN THE U.S. & CANADA

VIOLENCE	1977-																	TOTAL
	93	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009*	
Murder ¹	1	4	0	0	0	2	0	0	0	0	0	0	0	0	0	0	1	8
Attempted Murder	3	8	1	1	2	1	0	1	0	0	0	0	0	0	0	0	0	17
Bombing ³	28	1	1	2	6	1	1	0	1	0	0	0	0	0	0	0	0	41
Arson ²	113	11	14	3	8	4	8	2	2	1	3	2	2	0	2	0	0	175
Attempted Bomb/Arson ¹	61	3	1	4	2	5	1	3	2	0	0	1	6	4	2	1	1	97
Invasion	345	2	4	0	7	5	3	4	2	1	0	0	0	4	7	6	1	391
Vandalism	543	42	31	29	105	46	63	56	58	60	48	49	83	72	59	45	40	1429
Trespassing	0	0	0	0	0	0	193	81	144	163	66	67	633	336	122	148	104	2057
Bulky Acid Attacks	72	8	0	1	0	19	0	0	0	0	0	0	0	0	0	0	0	100
Anthrax Threats	0	0	0	0	0	12	35	30	554	23	0	1	0	0	1	3	2	661
Assault & Battery	88	7	2	1	9	4	2	7	2	1	7	8	8	11	12	6	9	184
Death Threats	166	59	41	13	11	25	13	9	14	3	7	4	10	10	13	2	16	416
Kidnapping	2	0	0	0	0	1	0	0	0	0	0	0	0	1	0	0	0	4
Burglary	31	3	3	6	6	6	4	5	6	1	9	5	11	30	12	7	12	157
Stalking ²	188	22	61	52	67	13	13	17	10	12	3	15	8	6	19	19	1	526
TOTAL	1641	170	159	112	223	144	336	215	795	265	143	152	761	474	249	237	187	6263
DISRUPTION																		
Hate Mail/Harassing Calls	1452	381	255	605	2829	915	1646	1011	404	230	432	453	515	548	522	396	1699	14293
Email/Internet Harassment	0	0	0	0	0	0	0	0	0	24	70	51	77	25	38	44	16	345
Hoax Device/Susp. Package	0	0	0	0	0	0	0	0	0	41	13	9	16	17	23	24	17	160
Bomb Threats	297	14	41	13	79	31	39	20	31	7	17	13	11	7	6	13	4	643
Picketing	6361	1407	1356	3932	7518	8402	8727	8478	9969	10241	11348	11640	13415	13505	11113	12503	8388	148303
TOTAL	8110	1802	1652	4550	10426	9348	10412	9509	10404	10543	11880	12166	14034	14102	11702	12980	10124	163744
CLINIC BLOCKADES																		
Number of Incidents	609	25	5	7	25	2	3	4	2	4	10	34	4	13	7	8	1	763
Number of Arrests ³	33444	217	54	65	29	16	5	0	0	0	0	0	0	0	3	1	0	33834

All numbers represent incidents reported to or obtained by NAF. Actual incidents are likely much higher. Tabulation of trespassing began in 1999 and tabulation of email harassment and hoax devices began in 2002.

1. Incidents recorded are those classified as such by the appropriate law enforcement agency. Incidents that were ruled inconclusive or accidental are not included.
2. Stalking is defined as the persistent following, threatening, and harassing of an abortion provider, staff member, or patient away from the clinic. Tabulation of stalking incidents began in 1993.
3. The "number of arrests" represents the total number of arrests, not the total number of persons arrested. Many blockaders are arrested multiple times. * Thru December 09

CHRONOLOGICAL HISTORY OF ARSONS AND BOMBINGS
AGAINST ABORTION PROVIDERS

Prepared by the
NATIONAL ABORTION FEDERATION



NATIONAL
ABORTION
FEDERATION

<u>FACILITY</u>	<u>CITY/STATE</u>	<u>DATE</u>	<u>INCIDENT</u>	<u>ESTIMATED DAMAGE</u>	<u>STATUS OF CASE</u>
Women's Health Center	Fort Myers, FL	4/89	Arson	\$60,000	Closed - statute of limitations.
Charlotte Avenue Medical	Nashville, TN	4/89	Arson	\$12,000	Closed - statute of limitations.
Concord Feminist Health	Concord, NH	7/89	Arson	\$1,000	Closed - statute of limitations.
Allegheny Reproductive Health Center	Pittsburgh, PA	9/89	Arson	\$5,000	Closed - statute of limitations.
Planned Parenthood	Kalamazoo, MI	9/89	Bombing	\$300	Closed - statute of limitations
North Jersey Women's Health Center	Fairfield, NJ	10/89	Arson	Minimal	Marjorie Reed pled guilty to this and multiple other arson charges in 1992. She served 5 years in prison and was released in September 1997.
Planned Parenthood	Independence, MO	12/89	Arson	\$100,000	Two juveniles arrested on state juvenile charges for vandalism.
Planned Parenthood	Tempe, AZ	4/90	Arson	Minimal	Closed - statute of limitations.
Lovejoy Surgicenter	Portland, OR	5/90	Arson	\$15,000	Daniel J. Carver indicted by state 6/1/90. Apprehended and pled guilty. Sentenced to three years in prison.
Planned Parenthood	Syracuse, NY	5/90	3 Arsons	Minimal	Shari DiNicola, arrested 5/28/90. Self-committed to mental institution. State will not prosecute.

<u>FACILITY</u>	<u>CITY/STATE</u>	<u>DATE</u>	<u>INCIDENT</u>	<u>ESTIMATED DAMAGE</u>	<u>STATUS OF CASE</u>
Feminist Women's Health Center	Redding, CA	7/90	Arson	\$30,000	Closed - statute of limitations
Planned Parenthood	Santa Ana, CA	7/90	Arson	Minimal	Closed - statute of limitations.
Planned Parenthood	Olympia, WA	8/90	Bombing	\$400	Closed - statute of limitations.
Planned Parenthood	Concord, CA	9/90	Arson	\$50,000	David Brian Martin arrested for burglary; authorities ruled case not abortion-related.
Planned Parenthood	Worcester, MA	9/90	Arson	Minimal	Closed - statute of limitations.
Fort Wayne Women's Health Organization	Fort Wayne, IN	11/90	Arson	\$10,000	Closed - statute of limitations.
Planned Parenthood of Central Ohio	Columbus, OH	2/91	Bombing	\$10,000	Remains open.
Planned Parenthood	Phoenix, AZ	2/91	Arson	\$300	Remains open.
Capital Care Women's Center	Columbus, OH	2/91	Arson	\$250,000	Remains open.
Piedmont Carolina Medical Clinic	Greensboro, NC	3/91	Arson	\$100,000	Robert Hugh Farley arrested 3/91. Committed to mental institution.
Women's Pavillion	Greensboro, NC	3/91	Arson	Minimal	Robert Hugh Farley arrested 3/91. Committed to mental institution.

<u>FACILITY</u>	<u>CITY/STATE</u>	<u>DATE</u>	<u>INCIDENT</u>	<u>ESTIMATED DAMAGE</u>	<u>STATUS OF CASE</u>
Medical Care Center at Woodbridge	Woodbridge, NJ	4/91	Arson	\$500,000	Alan Weiselberg pled guilty to insurance and mail fraud. It was a prosecutorial decision not to prosecute on the arson charges.
Bay City Women's Medical Center	Mobile, AL	5/91	Arson	\$80,000	Remains open.
Carolina Women's Medical Center	Fayetteville, NC	8/91	Arson	\$50,000	Remains open.
Office of Quintin DeHaan, MD	Tampa, FL	11/91	Arson	Minimal	Remains open.
Intermountain Planned Parenthood	Helene, MT	1/92	Arson	\$75,000	Attributed to Richard Andrews though he was not charged due to statute of limitations.
Women's Community Health Center	Beaumont, TX	1/92	Arson	\$300,000	Remains open.
Founder's Clinic	Columbus, OH	4/92	Arson	\$1,000	Remains open.
Catalina Medical Center	Ashland, OR	4/92	Arson	\$225,000	Rachelle Shannon pled guilty on 6/7/95 to 6 arson incidents and 2 acid incidents. Shannon was convicted of attempted murder of Dr. Tiller of Wichita, KS.
Fargo Women's Health Org.	Fargo, ND	4/92	Arson	\$2,000	Remains open.

<u>FACILITY</u>	<u>CITY/STATE</u>	<u>DATE</u>	<u>INCIDENT</u>	<u>ESTIMATED DAMAGE</u>	<u>STATUS OF CASE</u>
Morgentaler Clinic	Toronto, ONT	5/92	Arson	\$521,794	Remains open.
Feminist Women's Health Center	Redding, CA	6/92	Arson	\$70,000	In October 1997, Richard Thomas Andrews was indicted for setting three fires to clinics in Redding and Chico.
Family Planning Associates	Newport Beach, CA	7/92	Arson	\$9,000	Remains open.
Lovejoy Surgicenter	Portland, OR	8/92	Arson	\$2,500	See above, Rachelle Shannon.
West End Women's Health Group	Reno, NV	8/8/92	Arson	Minimal	Michael Andrew Fix was arrested on 9/28/92 by NV State Police. He was convicted in state court and sentenced to 2 years in prison.
Feminist Women's Health Center	Sacramento, CA	8/92	Arson	\$5,000	Rachelle Shannon pled guilty on 6/7/95 to 6 arson incidents and 2 acid incidents. Shannon was convicted of attempted murder of Dr. Tiller of Wichita, KS.
Richmond Medical Center for Women	Richmond, VA	9/92	Arson	\$25,000	Remains open.
Abortion & Reproductive Health Services	Albuquerque, NM	9/92	Arson	\$500	Remains open.
Feminist Women's Health Center	Eugene, OR	9/92	Arson	\$1,000+	See above, Rachelle Shannon.

<u>FACILITY</u>	<u>CITY/STATE</u>	<u>DATE</u>	<u>INCIDENT</u>	<u>ESTIMATED DAMAGE</u>	<u>STATUS OF CASE</u>
West End Women's Medical Group	Reno, NV	9/92	Arson	\$600	See above, Michael Andrew Fix.
West End Women's Medical Group	Reno, NV	9/28/92	Arson	\$5000	See above, Michael Andrew Fix.
Concord West Medical Clinic	Westmont, IL	11/92	Arson	\$2,500	Remains open.
Pregnancy Consultation Center	Sacramento, CA	11/92	Arson	\$175,000	Rachelle Shannon pled guilty on 6/7/95 to 6 arson incidents and 2 acid incidents. Shannon was convicted of attempted murder of Dr. Tiller of Wichita, KS.
Dr. Weiner's office	Fresno, CA	12/92	Arson	\$50,000	Remains open.
South County Medical Center	Venice, FL	2/93	Arson	\$70,000	Remains open.
Reproductive Services Clinic, Inc.	Corpus Christi, TX	2/93	Arson	\$625,000	Remains open.
Blue Mountain Clinic	Missoula, MT	3/93	Arson	\$100,000	See above, Richard Andrews.
Bours Health Center	Forest Grove, OR	5/93	Arson	\$5,000	Remains open.
Women's Health Care Clinic	Boise, ID	5/93	Arson	\$100,000	See above, Richard Andrews.
United Professional Building	Jacksonville, FL	8/93	Arson	\$500,000	Remains open.

<u>FACILITY</u>	<u>CITY/STATE</u>	<u>DATE</u>	<u>INCIDENT</u>	<u>ESTIMATED DAMAGE</u>	<u>STATUS OF CASE</u>
Family Planning Associates	Newport Beach, CA	9/93	Bombing	\$1,000	Remains open.
Family Planning Associates	Bakersfield, CA	9/93	Arson	\$1.4 million (Including 2 adjacent buildings)	Remains open.
National Health Clinic	Peoria, IL	9/93	Arson	\$7,500	Remains open.
Planned Parenthood	Lancaster, PA	9/93	Arson	\$130,000	Remains open.
West Loop Clinic	Houston, TX	10/93	Arson	\$20,000	On 3/14/94, Joshua Graff pled guilty & was sentenced to 39 months in prison.
Hillcrest Women's Medical Center	York, PA	11/93	Arson	\$500	Remains open.
Family Planning/ Gynecologist Clinic	Brooklyn, NY	12/93	Arson	\$150	Janet Smith was arrested for throwing two Molotov cocktails.
Commonwealth Women's Clinic	Falls Church, VA	7/94	Arson	\$10,000	Remains open.
Planned Parenthood	Brainerd, MN	8/94	Arson	\$373,000	Remains open.
Planned Parenthood	Sidney, OH	8/94	Arson	\$100	Remains open.

<u>FACILITY</u>	<u>CITY/STATE</u>	<u>DATE</u>	<u>INCIDENT</u>	<u>ESTIMATED DAMAGE</u>	<u>STATUS OF CASE</u>
Planned Parenthood	Chico, CA	10/94	Arson	\$35,000	In October 1997, Richard Thomas Andrews was indicted for setting three fires to clinics in Redding and Chico.
Office of James Armstrong MD, and Susan Cahill, PA-C	Kalispell, MT	10/94	Arson	\$100,000	See above, Richard Andrews.
Women's Community Medical Clinic	San Jose, CA	10/94	Arson	\$500	Remains open.
Planned Parenthood	San Rafael, CA	11/94	Bombing (exploded in parking lot)	Minimal	Remains open.
Planned Parenthood (new facility, not yet opened)	Rapid City, SD	12/94	Arson	\$1,000	Remains open.
Peninsula Medical Center for Women	Newport News, VA	12/94	Arson	\$400	Jennifer Spearle and Ryan Clark Martin were convicted.
Aid for Women/Central Medical	Kansas City, KS	12/94	Arson	\$3,000	Remains open.

<u>FACILITY</u>	<u>CITY/STATE</u>	<u>DATE</u>	<u>INCIDENT</u>	<u>ESTIMATED DAMAGE</u>	<u>STATUS OF CASE</u>
Abortion & Reproductive Services	Albuquerque, NM	1/95	Arson (yard fire)	Minimal	Ricky Lee McDonald arrested by ATF 2/24/95 and convicted.
Planned Parenthood	Scranton, PA	1/95	Arson	?	Remains open.
Family Planning Associates	Ventura, CA	2/95	Arson	\$300	Remains open.
Santa Barbara Medical Group/Physician's Clinical Laboratory	Santa Barbara, CA	2/95	Arson	\$500	Remains open.
Planned Parenthood of Santa Barbara & San Luis Obispo	San Luis Obispo, CA	2/95	Arson	\$50,000	Remains open.
Choice Medical Group	Santa Cruz, CA	2/95	Arson	Minimal	Remains open.
Abortion & Reproductive Services	Albuquerque, NM	2/95	Arson	\$5,000	Ricky Lee McDonald arrested by ATF 2/24/95 and convicted.
Pregnancy Consultation Center & Buena Vista Women's Services	San Francisco, CA	2/95	Arson	\$1,000	Remains open.
Richmond Medical Center for Women	Richmond, VA	2/95	Arson	\$500	Remains open.
Tidewater Women's Health Center.	Norfolk, VA	3/95	Arson	under \$5,000	See above, Spearle and Martin.
Planned Parenthood of Stark County	Canton, OH	5/95	Bombing (exploded in Medical Director's mailbox)	Minimal	Remains open.

<u>FACILITY</u>	<u>CITY/STATE</u>	<u>DATE</u>	<u>INCIDENT</u>	<u>ESTIMATED DAMAGE</u>	<u>STATUS OF CASE</u>
All Women's Health Center	St. Petersburg, FL	8/95	Arson	\$40,000	Remains open.
Planned Parenthood	Grants Pass, OR	8/95	Arson	\$200	Remains open.
All Women's Health Center	St. Petersburg, FL	8/95	Arson	\$100,000	Remains open.
Emerg-a-care	Jackson, WY	9/95	Arson	\$ 50,000	See above, Richard Andrews.
All Women's Health Center	St. Petersburg, FL	11/95	Arson	\$100	Remains open.
National Women's Health Center	Clearwater, FL	11/95	Arson	\$400	Remains open.
Women's Health Care	Boise, ID	5/96	Arson	\$ 400	Remains open.
Women's Health Care	Boise, ID	7/96	Arson	\$ 50,000	Remains open.
Planned Parenthood of Spokane and Whitman	Spokane, WA	7/96	Bombing	\$ 50,000	Brian Rattigan, Verne Jay Merrell, Charles Barbee and Robert Berry were convicted of conspiring in the bombing of the clinic and a bank robbery.
Planned Parenthood of Eastern Oklahoma and Western Arkansas	Broken Arrow, OK	9/96	Bombing	\$1,000	A juvenile was convicted in this and other arsons and bombings. Name sealed due to age.

<u>FACILITY</u>	<u>CITY/STATE</u>	<u>DATE</u>	<u>INCIDENT</u>	<u>ESTIMATED DAMAGE</u>	<u>STATUS OF CASE</u>
Family Planning Clinic (provides abortion referrals and takes a public pro-choice position)	Hannibal, MO	11/96	Arson	\$75,000	See above, convicted juvenile.
Reproductive Services	Tulsa, OK	1/1/97	Arson	\$7,000	See above, convicted juvenile.
Northside Family Planning Facility	Atlanta, GA	1/97	Bombing (2 explosions)	\$90,000+	Eric Rudolph pled guilty to the bombing.
Reproductive Services	Tulsa, OK	1/19/97	Bombing (2 explosions)	\$2,500	See above, convicted juvenile.
Commonwealth Women's Clinic	Falls Church, VA	2/97	Arson	\$25,000	James Anthony Mitchell of VA pleaded guilty and was sentenced to ten years in jail in September 1997.
Piedmont-Carolina Medical Clinic	Greensboro, NC	3/97	Arson	\$50,000 (Clinic closed)	Remains open.
Family Planning Assoc.	N. Hollywood, CA	3/7/97	Arson	\$1,000	Container of flammable liquid thrown through the window.
Planned Parenthood	Bettendorf, IA	3/97	Bombing	?	Remains open.

<u>FACILITY</u>	<u>CITY/STATE</u>	<u>DATE</u>	<u>INCIDENT</u>	<u>ESTIMATED DAMAGE</u>	<u>STATUS OF CASE</u>
Family Planning	Bakersfield, CA	3/17/97	Arson	Unknown	Peter Howard, a local activist, Assoc. put 13 gas cans and three propane tanks in his truck and drove it through the clinic door. He tried to light the truck and failed. He was caught on the scene. He pled guilty and was sentenced to 15 years in prison and fined \$16,320.87 for damage restitution.
Mountain Country Women's Clinic	Bozeman, MT	4/97	Arson	\$ 2,000	John Yankowski apprehended at clinic; convicted and sentenced to 5 years in prison.
Planned Parenthood	Yakima, WA	5/97	Arson	\$1,500	Remains open.
Lovejoy Surgi-Center	Portland, OR	5/97	Arson	\$400,000	Remains open.
West Alabama Women's Center	Tuscaloosa, AL	8/97	Arson	\$400,000	Remains open.
All Women's Health Center	Portland, OR	10/97	Arson	\$5,000	Remains open.
Ambulatory Surgery	Brooklyn, NY	12/97	Arson	Minimal	Remains open.
New Woman, All Women Health Care Center	Birmingham, AL	1/98	Bombing	\$85,000	Eric Rudolph pled guilty to the bombing.
Pacific Beach Clinic	San Diego, CA	4/98	Arson	\$5,000	Remains open

<u>FACILITY</u>	<u>CITY/STATE</u>	<u>DATE</u>	<u>INCIDENT</u>	<u>ESTIMATED DAMAGE</u>	<u>STATUS OF CASE</u>
Western Carolina Women's Medical Clinic	Asheville, NC	9/98	Arson	\$200	Remains open
Hallmark Clinic	Fayetteville, NC	9/98	Arson	\$7,000	Remains open
Carolina Women's Medical Clinic	Fayetteville, NC	9/98	Arson	\$17,000	Remains open
FEMCARE	Asheville, NC	3/99	Bombing	Minimal	Remains open
Planned Parenthood	Albuquerque, NM	3/99	Arson	\$3,000	Ricki Lee McDonald was convicted and sentenced to 30 months in jail.
Planned Parenthood	Sioux Falls, SD	3/99	Arson	Minimal	Martin Uphoff was convicted of using explosives during a felony, and vandalism to a facility providing health care services (a FACE charge). Uphoff was sentenced to 60 months for the felony and 6 months for the FACE charge, to be served concurrently.
Summit Women's Health Organization	Milwaukee, WI	3/99	Arson	Minimal	Peter Quinn, 17 admitted to this arson. He was charged in state court as an adult.
Planned Parenthood	Waukesha, WI	4/99	Arson	\$1,000	See above, Peter Quinn

<u>FACILITY</u>	<u>CITY/STATE</u>	<u>DATE</u>	<u>INCIDENT</u>	<u>ESTIMATED DAMAGE</u>	<u>STATUS OF CASE</u>
Summit Women's Health Organization	Milwaukee, WI	4/99	Arson	\$500	Remains open
Planned Parenthood	Albuquerque, NM	5/99	Arson	\$5,000	Ricki Lee McDonald pleaded guilty and was sentenced to five years in jail.
Choice Medical Group	Sacramento, CA	7/99	Arson	Minimal damage to the clinic. Approx. \$100,000 damage to the building housing the clinic.	Benjamin Matthew Williams and James Tyler Williams pled guilt and were sentenced to 21-30 years in jail for this fire and three synagogue arsons.
Feminist Health Center of Portsmouth	Greenland, NH	8/99	Arson	Approx. \$20,000	Remains open
Ft. Lauderdale Women's Clinic	Oakland Park, FL	4/00	Arson	\$2-3,000	Remains open
Concord Feminist Health Center	Concord, NH	5/00	Arson	\$20,000	Remains open
Planned Parenthood of Louisville	Louisville, KY	4/01	Arson		Remains open
Westgate Family Medicine	Tacoma, WA	6/01	Bombing	\$6,000	Remains open
Planned Parenthood of the Inland Northwest	Spokane, WA	6/01	Arson		Remains open

<u>FACILITY</u>	<u>CITY/STATE</u>	<u>DATE</u>	<u>INCIDENT</u>	<u>ESTIMATED DAMAGE</u>	<u>STATUS OF CASE</u>
Fairmont Center	Dallas, TX	6/02	Arson	\$1,100	Remains open
Doctor's Home	Chicago, IL	1/03	Arson		Remains open
Office of Dr. Michael Benjamin	Tamarac, FL	5/03	Arson		Remains open
A Woman's Choice of Planned Parenthood of Greater Indiana	Indianapolis, IN	9/03	Arson	\$2,000	Remains open
The Ladies Center	Pensacola, FL	1/04	Arson		Remains open
WomanCare Center	Lake Worth, FL	7/04	Arson		Remains open
Eastside Women's Health Clinic	Olympia, WA	1/05	Arson	\$500,000	Remains open
Presidential Women's Center	West Palm Beach, FL	7/05	Arson		Remains open
Planned Parenthood of Southeastern VA	Virginia Beach, VA	5/07	Arson		Remains open
Office of Dr. Curtis Boyd	Albuquerque, NM	12/07	Arson		Chad Altman and Sergio Baca pled guilty to conspiracy to commit arson and were sentenced to 40 & 46 months respectively; both were ordered to pay restitution of \$796,531.92

ANTI-ABORTION WEB SITES – REVISED 5/08

- <http://66.115.177.211/~x908420/michaelbray/> - Michael Bray's web site
- <http://www.40daysforlife.com/about.cfm> David Bereit - 40 days for life
- <http://www.abortioncams.com/> Neal Horsley, Jonathan O'Toole – photos from clinics
- <http://www.aclj.org/> American Center for Life and Justice (anti lawyers)
- <http://www.all.org/> American Life League (Judie Brown)
- <http://www.ambassadoragency.com/> Christian Speakers bureau with bios
- <http://www.armyofgod.com/> Army of God (Donald Spitz)
- <http://www.armyofgod.com/AOGhistory.html> White Rose Banquet (Michael Bray & others)
- <http://www.blackgenocide.org/> - LEARN
- <http://bound4life.com/>
- <http://www.cbn.com/> Christian Broadcasting Network (Christian news)
- <http://www.cbrinfo.org/> Center for Bio-Ethical Reform (CBR) Campus tours
- <http://childpredator.com/> (LDI related site – Mark Crutcher)
- <http://www.christianguallery.com/> (Neal Horsley) Abortioncams and Nuremburg File sections are not currently available
- <http://www.coalitionforlife.com/> Brazos Valley Coalition for Life
- <http://www.collaboratorsproject.com/> Group protesting contractors who work on PP bldgs.
- <http://www.covenantnews.com/abortion/> Covenant News (anti news service)
- <http://www.crossroadsprolife.org/> - organizes 3-4 walks across the US and Canada each summer
- <http://www.cwfa.org/> Concerned women for America
- <http://www.deathroe.com/> Life Dynamics related site
- <http://www.defendlife.org/> - DC/MD
- <http://familiesagainstp Planned Parenthood.org/> - anti abortion site for Aurora IL
- <http://www.fightpp.org/> Fight Planned Parenthood (Life Decisions International)
- <http://www.fullquivermission.com/> Full Quiver Mission (Bruce Murch & family)
- <http://www.generationlife.org/>

- <http://www.groundzerofargo.org> Fargo, North Dakota – pics of providers, staff, license plates
- <http://www.heartbeatlive.com/> Heart Beat Live – (Rev. Otwell)
- <http://www.hli.org/> Human Life International (international antis)
- <http://www.interlife.org/> InterLIFE
- <http://www.killbabies.com/> Killbabies – California
- <http://www.klanparenthood.com/> (LDI related site)
- <http://www.lifeadvocates.org/> Life Advocates Houston
- <http://www.lifeandlibertyministries.com/> Life and Liberty Ministries (Denny Green)
- <http://www.lifedecisionsint.org/> Life Decisions International
- <http://www.ldi.org/> Life Dynamics (Mark Crutcher)
- <http://www.mercyseat.net/> Mercy Seat Christian Church (Matt Trehwella)
- <http://www.missionariestopreborn.com/> Missionaries to the Preborn (MTTP) (Rev. Matt Trehwella)
- <http://www.mttu.com/main.htm> Missionaries to the Unborn (MTTU) (Steve Wetzel, et al)
- <http://www.mttu.com/elijahmin/index.html> - Elijah Ministries (Rusty Thomas) - Waco
- <http://www.nrlc.org/> National Right to Life
- <http://www.ohsaratoga.com/> Annual event in Saratoga NY
- <http://www.operationrescue.org/main.asp> Operation Rescue West (Troy Newman)
- <http://www.operationsaveamerica.org/index.html> Operation Save America (Rev. Flip Benham)
- <http://www.godsaidministries.com/> (Rev. Otwell) - God Said Ministries
- <http://www.priestsforlife.org/> Priests for Life
- <http://www.prolifeaction.org/> Pro-Life Action League – (Joe Scheidler)
- <http://www.plagal.org/> Pro-Life Alliance of Gays and Lesbians
- <http://www.prolifecommitteelinks.com/> Pro-Life Campaign
- http://www.prolifeaction.org/other_links.htm ProLife Action League -links
- <http://www.pldaily.com/> Pro-Life Daily (anti news)
- <http://www.prolifeamerica.com/> Pro-Life America
- <http://www.randallterry.com/home/index.cfm>
- <http://www.repentamerica.com/index.php?face=12%3A22%3A29+PM&on=1>

- <http://www.rightremedy.org> – Dr. Patrick Johnson, organizer of medical conference protests
- <http://www.rockforlife.org/> Rock for Life
- <http://skyp1.blogspot.com> – John Dunkle – newsletter to anti-choice extremists in prison
- http://www.societyfortruthandjustice.com/ow_tour.htm Society for Truth and Justice – operation witness program (Gary McCullough, Randall Terry)
- <http://www.standtrue.com/> Stand True - Brian Kemper (formerly of Rock for Life/AmLifeLeague)
- <http://www.ali.org/stopp> STOPP - Stop Planned Parenthood (Jim Sedlak)
- <http://www.pop.org/> Population Research Institute (international)
- <http://www.smallvictoriesusa.com/> - The Michael's, Granite City IL
- <http://www.stopcolumbuskilling.net> Local Ohio site – pics of providers, staff and patients
- <http://www.all.org/stopp/> STOPP Planned Parenthood
- <http://www.spiritfx.com/> Erik Eggleston's site – anti-abortion "naturist"
- <http://www.streetpreach.com> - Heiss, Spingola, Michael Bray and others
- <http://www.studentsforlife.org/>
- <http://www.survivors.la> Survivors of Abortion
- <http://www.theabortionabolitionist.com/index.html> The Abortion Abolitionist
- <http://thepillkills.com/> - anti birth control site
- <http://www.trosch.org/> TroschLifeEnterprises (Fr. David Trosch)

SIGNERS OF JUSTIFIABLE HOMICIDE PETITIONS

The following list of individuals signed one or more "defensive action petitions" advocating the use of murder as a justifiable tactic in efforts to end abortion. There were several versions of these statements, dated between September of 1993 and January of 1995. A new version was released in 2009 after the murder of Dr. George Tiller and in preparation for the trial of his killer, Scott Roeder.

Arndt, Kenneth	Knight, Carl
Brannon, Dr. Lloyd C.	Koehler, Bill
Bray, Dan	Kopp, James
Bray, Michael	Leach, Dave
Bray, Donna	McMillan, C. Roy
Brockhoeft, John	Meyer, Mike
Burnett, Andrew	Miller, Jacob
Caliger, Roger	Murphy, Richard R.
Carleton, Thomas	O'Hara, Joseph F.
Colvin, Rev. Dr. Michael	Pavone, Joe
Craig, David	Pearson, Robert
Crane, David	Piso, Tony
DeParrie, Paul	Ramey, Cathy
Dinwiddie, Regina	Ratnesar, Dr. Vijay
Dodds, Michael	Reed, Marjorie
Dunkle, John	Roeder, Scott
Dunkle, Margaret	Rudolph, Eric
Evans, Paul Ross	Rudolph, Patricia
Felisone, Harry	Shannon, Rachelle
Filos, Robert	Simpson, Dr. Gary
Foreman, Rev. Joseph	Spitz, Donald
Friberg, Mary	Stover, Dawn
Gozenia, Rev. Dick	Trewhella, Matt
Graeser, Dr. Ronald	Trosch, David
Graff, Joshua	Struck, David Alan
Graham, David	Walker, Mike
Hammond, Thomas G.	Walsh III, Edward L.
Hammond, Betty L.	Weiler, Robert
Harvey, John	Zyskowski, Valerie
Hill, Paul J.	
Jarecki, Michael	

PATHWAY TO VIOLENCE/THREAT ASSESSMENT

One of the challenges for law enforcement and clinics alike is the assessment of when a particular anti-choice individual may be moving towards taking extreme, violent action. Frederick S. Calhoun and Stephen W. Weston, in their excellent book Contemporary Threat Management (2003), suggest that there is a "pathway to violence" that perpetrators take. They move forward and back on the pathway, depending on circumstance, opportunity and other factors. It can happen very quickly, or take years to arrive at an actual attack. But it is fair to say that their research has convinced them that every act of intentional, purposeful violence is preceded in some form with movement along this path. They conclude that the ability to interrupt, deter or prevent an attack can be greatly enhanced by an understanding of these steps. Calhoun has had extensive experience with threat assessment for abortion providers in his years with the US Marshals Service, and uses abortion related violence for some of the cases profiled in the book . A summary of the pathway, which can be very useful in accurate threat assessment for this type of violence, follows. It was created with permission of the author.

Grievance

Individuals of violent intent are typically in search of justice. They are aggrieved and feel they have been in some way wronged. Their grievance may not be justified or rational to others. We might recognize this stage by expressions of a desire for revenge, or a mission-driven sense of destiny. They may state a desire for revenge, recognition or fame.

Ideation

Individuals of violent intent are not able to set aside their grievance. They begin to think that an act of violence will bring justice or even the score. They make a decision to cause harm. This decision is a prerequisite for taking action. We might recognize someone who has moved to this step because they are discussing their idea with someone else (though perhaps not directly), they may be fixated on violence in general or express an interest in weapons, or they may show keen interest in particular dates related to their grievance.

Research/Planning

Once someone decides to commit a violent action, they need to make a plan. This stage may be simple, such as ascertaining what day a particular person will be in a specific location. Or it may be much more complex with a detailed schedule, including contingency planning or escape routes. This stage is marked by information gathering, stalking, suspicious inquiries etc.

Preparation

Once the individual with violent intent has completed the planning phase, they will need to make preparations. This may include acquiring a weapon, arranging transportation, observation of significant dates, and possibly, final act behaviors such as revising a will or recording justifications for their acts that may reflect that they themselves do not expect to survive.

Breach

The attacker must breach the target's security in order to make an attack. Sometimes this is simple and easy, other times complex and difficult. Either way, the perpetrator must somehow position him or herself near the intended target. This step may involve probing or testing security, and making a lethal and/or surreptitious approach.

Attack

The final step is the attack itself. Individuals of violent intent may come very close to attacking several times before they actually take this step.

Adapted from: Calhoun, Frederick S. and Weston, Stephen W. Contemporary Threat Management. Specialized Training Services, San Diego CA (2003)

**FREEDOM OF ACCESS TO CLINIC ENTRANCES ACT-RELATED
CASES FY 94 THROUGH FY 2008 (AS OF 1/31/08)**

FY 1994

1. United States v. Hill (8/14/94)* (N.D. Fla.)

On July 29, 1994 Dr. Britton and two escorts were shot while outside of the Ladies Center Clinic in Pensacola. Dr. Britton and one escort were killed, the other escort was wounded. On October 5, 1994, defendant Hill was convicted of violating FACE with death resulting and on December 2, 1994, he was sentenced to life without parole. Local murder prosecution resulted in imposition of death penalty. Hill withdrew his federal appeal.

2. United States v. Brock, et al. (6/16/94) (E.D. Wisc.)

Physical obstruction of a clinic in Milwaukee by six defendants occurred on June 4, 1994. Defendants blockaded both doors to the clinic with automobiles, to which they secured themselves using cement and steel devices. On November 15, 1994, all six defendants were convicted of violating FACE in a non-jury trial. Incarceration terms of various lengths were imposed, the maximum being 6 months and fines. Seventh Circuit affirmed conviction. Cert. denied December 2, 1996.

3. United States v. Wilson, et al. (9/30/94) (E.D. Wisc.)

Physical obstruction of a different clinic in Milwaukee than Brock by six different defendants occurred on September 9, 1994. Defendants blockaded both doors of the clinic using a similar method. The FACE charge was dismissed by trial court. Seventh Circuit ruled for government on its appeal. Cert. denied October 7, 1996. Trial concluded on May 27, 1997, and the judge ordered all parties to submit proposed findings of fact and conclusions of law. On April 30, 1998, the judge issued a decision and order finding all six defendants guilty of violating 18 U.S.C. §248(a)(1). The defendants were sentenced to jail time served in pre-trial confinement and ordered to pay \$1,759 restitution.

FY 1995

4. United States v. Lang (2/1/95) (N.D. Ala.)

Defendant, who was mentally unstable, threatened to kill doctor during a telephone call to a TV reporter on January 8, 1995, in Huntsville, Alabama, was charged with FACE violation. Defendant received pre-trial diversion on February 24, 1995.

*/ Date federal charges brought.

5. United States v. McDonald (3/9/95) (D.N.M.)

Defendant pled guilty on June 24, 1996, to chaining clinic doors shut on January 2, 1995, and setting fire to the same clinic on February 24, 1995, in violation of FACE and arson statutes. Defendant was sentenced to 30 months in prison on October 22, 1996.

6. United States v. Olson & Unterburger (3/15/95) (S.D. Fla.)

Two defendants charged under FACE with physical obstruction of clinic in West Palm Beach when they chained themselves to the main entrance of the clinic on March 4, 1995. On September 18, 1995, both defendants were convicted and sentenced that date to time served during pre-trial detention, 2 ½ and 3 ½ months respectively, and 1 year supervised release. Eleventh Circuit affirmed October 23, 1996. Cert. denied.

7. United States v. Priestley (3/16/95) (D. Or.)

Defendant pled guilty on September 27, 1995, to unrelated arson charge in Eugene, as well as threat to commit arson at clinic in Grants Pass, Oregon, on January 19, 1995, in violation of FACE. Defendant sentenced to 58 months in prison on April 9, 1996.

8. United States v. Lucero & Lacroix (3/16/95) (D. Kan.)

Two defendants charged under FACE with physical obstruction of clinic in Wichita which occurred on March 11, 1995. Both defendants were found guilty after a jury trial on June 1, and on September 8, 1995, each was sentenced to 6 months incarceration to be followed by 1 year supervised release. They were jointly and severally found responsible for \$300 restitution to the clinic and \$1100 restitution to the Wichita Fire Department. The defendants did not appeal their convictions.

9. United States v. Bird (3/29/95) (S.D. Tex.)

Defendant charged under FACE with a one count use of force and threat of force for throwing bottle through window of car driven by doctor attempting to enter clinic in Houston on December 9, 1994. A jury trial was held on June 12, 1995, and the defendant was convicted. Sentence of one year incarceration, one year supervised release, and restitution to the doctor for damage to the car was imposed on September 14, 1995. The Fifth Circuit affirmed Bird's conviction and the Supreme Court denied the petition for certiorari.

10. United States v. Mathison (4/11/95) (E.D. Wash.)

Defendant indicted in Yakima for making a series of threatening calls, some interstate, to pro-life counseling and referral service "First Way" on December 31, 1994. Defendant charged with one count violation of FACE and one count violation of 18 U.S.C. 875. In these calls, defendant stated he had a gun and threatened to kill as many office workers as he could

find. The defendant pled guilty to the FACE count on June 6, 1995. Sentencing on August 31, 1995, resulted in 5 years probation with 30 days home detention and 10 weekends confinement, as well as mandatory substance abuse treatment. The defendant did not appeal his conviction.

11. United States v. Arena & Wentworth (4/20/95) (N.D.N.Y.)

Two defendants were convicted on December 21, 1995, of violation of Hobbs Act and conspiracy in connection with the April 14, and May 19, 1994, acid attacks on clinics in Syracuse. Arena was sentenced to 41 months incarceration and ordered to make restitution in the amount of \$52,000. Wentworth was sentenced to 37 months incarceration.

12. United States v. Blackburn (5/19/95) (D. Mont.)

Defendant was indicted for making threatening calls on April 21, 1995, to numerous clinics that provided abortion services. Defendant was charged with six counts of violating FACE and six counts of violating 18 U.S.C. §844(e), threatening to use fire and explosives to damage a building. On October 26, 1995, the defendant pled guilty to one count of FACE and one count of 844(e). The defendant was sentenced on February 21, 1996, to five years probation with mandatory psychological treatment.

13. United States v. Vincent Whitaker (6/28/95) (W.D. Wisc.)

Defendant, an inmate in Wisconsin, was indicted for sending threatening letters to the President and to two doctors who perform abortions on February 22, 1995, in violation of 18 U.S.C. 876. He was convicted on September 12, 1995, on the two count indictment. The defendant was sentenced on November 21, 1995, to 63 months incarceration to be served consecutively to a pending state sentence for unrelated conduct. No FACE charge was brought.

14. United States v. Robert Cook (9/19/95) (E.D. Wisc.)

Defendant indicted for soliciting another person in June of 1995, to violate the FACE Act with the intent of death resulting, in violation of Section 373. Defendant, who had previously robbed an armored car (for which he was also indicted), solicited another to assist him in killing abortion providers and burning clinics. Defendant sentenced on March 22, 1996, to 176 months in prison for conviction for bank robbery, money laundering and solicitation to violate FACE, section 373. The Seventh Circuit affirmed the conviction on December 5, 1996.

FY 1996

15. United States v. Embry (12/5/95) (W.D. Kty.)

Defendant pled guilty to telephoning a bomb threat to a Women's Choice Clinic in Indianapolis on January 4, 1995, in violation of the FACE Act. Defendant was sentenced to two years probation and ordered to perform 100 hours of community service.

16. United States v. Shannon (12/14/95) (D. Or.)

Defendant was convicted on June 18, 1996, under the Hobbs Act and section 876 for mailing a death threat to a doctor in Milwaukee who performed abortions in February, 1993. She was sentenced on September 5, 1996, to 46 months in prison to be followed by three years supervised release. No FACE charge was included.

17. United States v. Sperle and Martin (3/26/96) (E.D. Va.)

Two defendants pled guilty on May 16, 1996 and November 4, 1996, to conspiring to commit two arsons at abortion clinics in the Newport News/Norfolk area on December 13, 1994, and March 6, 1995, in violation of section 844. Sperle was sentenced on February 12, 1997, to 30 months in prison while Martin was sentenced February 21, 1997, to seven months in prison and three months home detention. Each defendant was ordered to serve three years supervised release and to pay \$1,355 restitution to the clinics. No FACE charge was included.

18. United States v. McManus (6/26/96) (D. Mass.)

Defendant pled guilty to two counts of FACE and two counts of 844(e), bomb threat, for making threatening telephone calls on May 21, 1996, to the Planned Parenthood in Worcester and to the Repro Associates in Brookline. On March 24, 1997, the defendant was sentenced to 27 months and two years supervised released.

FY 1997

19. United States v. Wilson and Hudson (10/1/96)
(11/19/96 Superseding Indictment) (E.D. Wis.)

Two defendants were convicted on April 28, 1997, under FACE with positioning themselves inside vehicles and blocking the front and rear entrances to the Wisconsin Women's Health Care Center on September 20, 1996. This was the second obstruction at the same clinic, see United States v. Wilson, et al. Defendant Hudson was sentenced to 24 months in prison while defendant Wilson was sentenced to four months. Each defendant must serve three years supervised release following incarceration and was fined \$3,000 and ordered to pay \$455 restitution to the City of Milwaukee.

20. United States v. Weslin, et al. (12/19/97) (W.D.N.Y.)

Eleven defendants were convicted under FACE with blocking three entrances to the Planned Parenthood of Rochester and Genesee Valley, Inc., on December 7, 1996. The entrances were blocked by people attached to a disabled vehicle, people chained together, a person chained to an up-ended picnic table and a person glued to a facility door. Two of the eleven defendants were sentenced to four months in prison and two other defendants were sentenced to two months in prison. The remaining seven defendants were sentenced to time served (three days in local jail), four months supervised release and 120 hours of community

service. All defendants were ordered to pay \$105 restitution for the damage to the clinic doors. Appeal filed.

21. United States v. Howard (4/3/97) (E.D. Cal.)

One defendant pled guilty to attempting to damage and destroy the Family Planning Associates Medical Group building in Bakersfield by use of fire and an explosive on March 17, 1997, in violation of 18 U.S.C. 844. The Family Planning Associates Medical Group performs abortions in addition to offering other health care services. No FACE charge was included. Defendant was sentenced to 15 years in prison to be followed by three years supervised release with a condition that he remain at least 250 feet from any clinic providing reproductive health services. He was also ordered to pay \$16,320 restitution to the clinic.

22. United States v. Yankowski (4/17/97) (D. Mont.)

Defendant was convicted for attempting to burn down the Medical Arts Building in Bozeman on April 2, 1997. The Medical Arts Building is the location of a well-known and much harassed abortion-services provider. No FACE charge was included. The defendant was sentenced to 15 years in prison to be followed by three years supervised release. The conviction on one count of violating 18 U.S.C. §844(h) was reversed on appeal, and the defendant was resentenced to five years imprisonment.

23. United States v. Mitchell (5/22/97) (E.D. Va.)

Defendant pled guilty to setting a fire at the Commonwealth Women's Clinic in Falls Church, Virginia on February 19, 1997. The defendant was arrested inside the clinic and admitted to setting the fire in order to prevent abortions from being performed. No FACE charge was included. The defendant was sentenced to 10 years in prison to be followed by two years supervised release.

24. United States v. Andrews (5/29/97) (E.D. Cal.)

Defendant pled guilty to setting fires at a clinic in Redding on June 6, 1992 and October 9, 1994 and at another clinic in Chico on the same date in 1994. The defendant was sentenced to 81 months in prison to be followed by three years supervised release with the condition that he remain 150 yards from clinics. In addition, he was ordered to pay \$3,600 restitution divided into nominal amounts for each clinic. (Defendant was originally charged with FACE violation but pled to arson violations only.)

FY 1998

25. United States v. Chandler (11/4/97) (S.D. Miss.)

Defendant convicted of making a threatening telephone call, including a bomb threat, to the New Women Medical Center, Inc., in Jackson, Mississippi on April 8, 1997, and later that

same day, making a threatening telephone call to an officer with the Jackson Police Department. No FACE charge was included. The defendant was sentenced to 13 months in prison.

26. United States v. Cabaniss (4/1/98) (W.D. Okla.)

Defendant pled guilty to entering the Outpatient Services for Women clinic in Warr Acres, Oklahoma, on January 24, 1998, and attacking the clinic's only doctor, Dr. Naresh Patel, by striking him with his fists and kicking him. Prior to entering the clinic, the defendant had been protesting outside the building. The defendant pled guilty to one FACE Act violation. Defendant was sentenced to three months in prison to be followed by three years supervised release with a special condition of 90 days home detention and he was ordered to pay \$700 restitution for medical expenses of the victim.

27. United States v. Hart (7/29/98) (E.D. Ark.)

The defendant was convicted of two FACE Act violations for abandoning two Ryder trucks in front of the Little Rock Family Planning Services and Women's Community Health Center clinics on September 25, 1997, in a manner as to communicate a credible bomb threat to the clinics' staff. Each truck obstructed vehicular access to the respective clinic's parking areas. Consequently, several businesses and residences near the clinic locations were evacuated for several hours while bomb and arson experts investigated the trucks. The defendant was sentenced to one year home confinement to be followed by three years supervised release.

28. United States v. Burke (9/22/98) (D. Kan.)

The defendant pled guilty to one FACE Act violation for blocking access to an abortion clinic in Kansas City on August 1, 1998. The defendant was sentenced to six months in prison.

FY1999

29. United States v. Mahady (12/4/98) (M.D. Pa.)

The defendant pled guilty to one FACE Act violation for telephonically contacting the Planned Parenthood of Central Pennsylvania and relaying threatening messages on November 14, 1998. The defendant was sentenced to one month imprisonment and a term of supervised release.

30. United States v. Hanson (3/9/99) (D. N.D.)

The defendant was convicted of attempting to set fire to the Fargo Women's Health Organization, Inc., by depositing a flammable liquid into the clinic through a broken window and attempting to ignite that liquid. The defendant was sentenced to 60 months in prison. Conviction reversed on appeal.

31. United States v. Uphoff (4/28/99) (D.S.D.)

The defendant was convicted of arson and a FACE Act violation in connection with the March 29, 1999, arson at the Planned Parenthood of Minnesota/South Dakota in Sioux Falls. The defendant was sentenced to 60 months in prison.

32. United States v. McDonald (5/19/99) (4/18/01
Superseding Indictment) (D.N.M.)

The defendant was convicted on an arson charge for setting fire to the Planned Parenthood Clinic in Albuquerque. A hung jury was declared on an additional arson charge as well as a FACE Act violation. Defendant subsequently entered guilty pleas to these charges and was sentenced to five years in prison.

33. United States v. Kelly (9/7/99) (N.D. Fla.)

The defendant pled guilty to sending a threatening e-mail messages to reproductive health care providers in Georgia and New York. The defendant was sentenced to 16 months in prison.

34. United States v. Emmett (9/28/99) (D. Utah)

The defendant pled guilty to one FACE Act violation for allegedly calling the Utah Women's Clinic on August 25, 1999, and threatening a clinic employee with death if clinic personnel terminated his wife's pregnancy. The defendant's wife did have an appointment for services on that day. The defendant was sentenced to one year probation.

FY2000

35. United States v. Williams and Williams (3/17/00)
(E.D. Cal.)

Two defendants pled guilty to federal civil rights violations in connection with an arson at the Choice Medical Group clinic as well as three synagogues. One defendant was sentenced to 30 years in prison while the other was sentenced to 21 years and 3 months.

36. United States v. Reece (8/23/00) (N.D. Miss.)

One defendant pled guilty to one FACE charge for placing a threatening call to the New Women Medical Clinic in Jackson, Mississippi. The defendant was sentenced to six months home confinement to be followed by three years supervised release. He was also ordered to undergo anger management and mental health counseling.

FY2001

37. United States v. Kopp (10/17/00) (W.D.N.Y.)

38. United States v. Marra and Malvasi (4/2/01)

One defendant was convicted on one FACE charge and using a firearm in the commission of a felony in connection with the murder of Dr. Barnett Slepian, a provider of abortion services.

Additionally, two defendants pled guilty to conspiring to obstruct justice by harboring defendant Kopp and by assisting him in avoiding prosecution. Marra and Malvasi were sentenced to time served amounting to 29 months in prison. Defendant Kopp was sentenced to life plus 10 years in prison.

39. United States v. Morency (3/9/01) (D.N.J.)

One defendant pled guilty to one FACE charge as well as one count of possession of child pornography. The defendant posted an internet sign offering a \$1.5 million bounty to anyone who killed an abortion provider. The defendant was sentenced to 30 months in prison to be followed by three years supervised release.

FY2002

40. United States v. MacDonald (6/18/02) (E.D. Ark.)

One defendant pled guilty to one FACE charge for shooting an AK-47 into the Little Rock Family Planning Services reproductive health care facility. The clinic was empty at the time, but the gunfire caused thousands of dollars worth of damage to the bullet resistant windows and front door of the facility. The defendant was sentenced to five years probation with special conditions that he receive mental health counseling and drug testing/treatment. He was also ordered to pay \$4,592 restitution.

41. United States v Waagner (9/19/02) (E.D. Penn.)

One defendant was convicted on charges of violating 51 counts including the Freedom of Access to Clinic Entrances Act as well as other federal charges after mailing, via the United States Postal Service and Federal Express, several hundred letters threatening to contain anthrax to reproductive health care providers across the country. The defendant was sentenced to 19 years in prison.

FY2003

42. United States v. Phillips (2/24/03) (W.D.N.C.)

The defendant entered a guilty plea to making threatening telephone calls to Femcare and The New Woman All Women Health Clinic and subsequently damaging the properties

because the facilities provided reproductive health services. The defendant was sentenced to 24 months in prison.

43. United States v. Bird (5/9/03) (S.D. Tex.)

The defendant was convicted on charges of violating the Freedom of Access to Clinic Entrances Act after driving a van into the front entrance of the Planned Parenthood Clinic located in Houston. The defendant drove through the double doors which serve as the clinic's entrance, damaged the building structure around the doors, and shattered the surrounding windows, resulting in approximately \$7,000 in damages. The defendant was sentenced to 10 months in prison and ordered to pay \$7,900 restitution. The defendant of this incident was convicted of a previous FACE offense for threatening an abortion provider in 1994.

44. United States v. Ferguson (6/19/03) (N.D. Tex.)

The defendant pled guilty to violating one count of the Freedom of Access to Clinic Entrances Act. The defendant made threatening phone calls to the Planned Parenthood of Northern Texas, threatening to kill the CEO and his family. The defendant was sentenced to nine months in prison to be followed by one year probation.

FY2004

45. United States v. Jordi (2/13/04) (S.D. Fla.)

One defendant entered a guilty plea to attempted arson for plotting to bomb unspecified abortion clinics. The defendant was arrested after purchasing a weapon and some bomb materials but before he had an opportunity to carry out any attacks.

FY2005

46. U.S. v. Patino (8/4/05) (N.D. Ohio)

One defendant pled guilty to violating the Freedom of Access to Clinic Entrances Act for leaving a threatening message on the answering machine at the Center for Choice in Toledo. The defendant was sentenced to two months home confinement and two years probation.

FY2006

47. U.S. v. Skinner (4/26/06) (N.D. Ala.)

One defendant pled guilty to a FACE Act violation for intentionally driving his car into the West Alabama Women's Center causing damage to the clinic. The defendant was sentenced to five years of probation and ordered to pay restitution totaling \$6,098.05 to the West Alabama Women's Center and the insurance company.

48. U.S. v. Weslin (5/17/06) (D. Neb.)

One defendant was acquitted of violating the Freedom of Access to Clinic Entrances Act. The defendant allegedly entered the Bellevue Health Clinic and leaned against the doorway and sat in front of the door making it difficult for employees and patients to enter the building. The defendant also screamed at patients telling them not to enter the clinic.

FY2007

49. U.S. v. McMenemy (10/17/06) (S.D. Iowa)

One defendant pled guilty to driving his car into a women's clinic and then setting his car on fire. The defendant was sentenced to 60 months in prison and ordered to pay \$263,000 restitution.

50. U.S. v. Weiler (10/20/06) (D. Md.)

One defendant pled guilty to violating the Freedom of Access to Clinic Entrances Act as well as firearms violations for planning to use a pipe bomb to blow up a reproductive health clinic. The defendant was sentenced to 60 months in prison.

51. U.S. v. Reese (11/1/06) (M.D. Fla.)

One defendant pled guilty to violating the Freedom of Access to Clinic Entrances Act for attempting to burn down a Planned Parenthood building because the facility was used to provide reproductive health services. The defendant was sentenced to 14 months in prison to be followed by 3 years of supervised release and he was ordered to perform 100 hours of community service.

52. U.S. v. Burke (2/21/07) (D. Kan.)

The defendant was charged with violating the Freedom of Access to Clinic Entrances Act for obstructed access to a Planned Parenthood clinic, by sitting down in the front entrance doorway and yelling at patients to stay away.

53. U.S. v. Evans (5/15/07) (W.D. Texas)

The defendant pled guilty to violating Title 18 U.S.C. Section 2332(a)(2)(B)-Use & Attempt to Use Weapon of Mass Destruction for planting an explosive device at the Austin Women's Health Center. The explosive did not detonate and no one was injured. Evans was sentenced to 480 months imprisonment. FY2008

FY2008

54. U.S. v. Baca and Altman (1/24/08) (D. New Mexico)

The defendants were charged with Arson (Title 18 U.S.C. Section 844(I), conspiracy, and violating the Freedom of Access to Clinic Entrances Act for firebombing the Abortion Acceptance of New Mexico reproductive health care clinic. The clinic was destroyed. The defendants pled guilty to conspiring to firebomb the Abortion Acceptance of New Mexico reproductive health care clinic. They were sentenced 6/10/09 and Baca received 40 months, Altman received 46 months and they were ordered to pay \$800,000 in restitution.

55. U.S. v. Keiser (8/4/08) (W.D. Mo.)

The defendant pled guilty to violating the Freedom of Access to Clinic Entrances Act for trespassing inside the Planned Parenthood of Missouri, physically damaging the clinic's property and physically assaulting a staff member who attempted to restrain Keiser until police arrived.

FY2009

56. U.S. v. Hertz (8/25/09) (D. Colo.)

The defendant was indicted on charges that he intentionally used the threat of death to intimidate Dr. Warren Hern and his employees, because they were providing reproductive health services. The defendant called Dr. Hern's clinic in Boulder, Colorado. He told a receptionist that two men intended to drive to Boulder to kill members of Dr. Hern's family.

As of 9/30/09

55 cases filed
83 defendants charged
81 defendants convicted including 1 pre-trial diversion
1 defendant acquitted
1 defendant deemed incompetent to stand trial,
dismissed by govt.
0 defendants pending outcome

FREEDOM OF ACCESS TO CLINIC ENTRANCES ACT (FACE)

Summary:

Section 248 of Title 18 protects the exercise of free choice in obtaining reproductive health services, and the exercise of First Amendment religious freedoms. Section 248 makes it unlawful for a person to use force, threat of force, or physical obstruction to intentionally injure or intimidate a person because he/she is or has been obtaining or providing reproductive health services. Section 248 also makes it unlawful for a person to use force, threat of force, or physical obstruction to intentionally injure or intimidate a person because he/she is lawfully exercising the right of religious freedom at a place of worship. Finally, Section 248 makes it unlawful for a person to intentionally damage or destroy the property of a facility because it provides reproductive health services, or because it is a place of worship. Section 248 also prohibits anyone from attempting to commit any of the above.

An offense under this statute is punishable by a range of imprisonment up to a life term, depending upon the nature of the offense and whether or not it is a repeat conviction under this statute.

TITLE 18, U.S.C., SECTION 248

(a) Prohibited activities.--Whoever--

① by force or threat of force or by physical obstruction, intentionally injures, intimidates or interferes with or attempts to injure, intimidate or interfere with any person because that person is or has been, or in order to intimidate such person or any other person or any class of persons from, obtaining or providing reproductive health services;

② by force or threat of force or by physical obstruction, intentionally injures, intimidates or interferes with or attempts to injure, intimidate or interfere with any person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship; or

③ intentionally damages or destroys the property of a facility, or attempts to do so, because such facility provides reproductive health services, or intentionally damages or destroys the property of a place of religious worship, shall be subject to the penalties provided in subsection (b) and the civil remedies provided in subsection (c), except that a parent or legal guardian of a minor shall not be subject to any penalties or civil remedies under this section for such activities insofar as they are directed exclusively at that minor.

(b) Penalties.--Whoever violates this section shall--

(1) in the case of a first offense, be fined in accordance with this title, or imprisoned not more than one year, or both; and

(2) in the case of a second or subsequent offense after a prior conviction under this section, be fined in accordance with this title, or imprisoned not more than 3 years, or both;

except that for an offense involving exclusively a nonviolent physical obstruction, the fine shall be not more than \$10,000 and the length of imprisonment shall be not more than six months, or both, for the first offense; and the fine shall, notwithstanding

section 3571, be not more than \$25,000 and the length of imprisonment shall be not more than 18 months, or both, for a subsequent offense; and except that if bodily injury results, the length of imprisonment shall be not more than 10 years, and if death results, it shall be for any term of years or for life.

(c) Civil remedies.--

(1) Right of action.--

(A) In general.--Any person aggrieved by reason of the conduct prohibited by subsection (a) may commence a civil action for the relief set forth in subparagraph (B), except that such an action may be brought under subsection (a)(1) only by a person involved in providing or seeking to provide, or obtaining or seeking to obtain, services in a facility that provides reproductive health services, and such an action may be brought under subsection (a)(2) only by a person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship or by the entity that owns or operates such place of religious worship.

(B) Relief.--In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief and compensatory and punitive damages, as well as the costs of suit and reasonable fees for attorneys and expert witnesses. With respect to compensatory damages, the plaintiff may elect, at any time prior to the rendering of final judgment, to recover, in lieu of actual damages, an award of statutory damages in the amount of \$5,000 per violation.

(2) Action by Attorney General of the United States.--

(A) In general.--If the Attorney General of the United States has reasonable cause to believe that any person or group of persons is being, has been, or may be injured by conduct constituting a violation of this section, the Attorney General may commence a civil action in any appropriate United States District Court.

(B) Relief.--In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief, and compensatory damages to persons aggrieved as described in paragraph (1)(B). The court, to vindicate the public interest, may also assess a civil penalty against each respondent--

(i) in an amount not exceeding \$10,000 for a nonviolent physical obstruction and \$15,000 for other first violations; and

(ii) in an amount not exceeding \$15,000 for a nonviolent physical obstruction and \$25,000 for any other subsequent violation.

(3) Actions by State Attorneys General.--

(A) In general.--If the Attorney General of a State has reasonable cause to believe that any person or group of persons is being, has been, or may be injured by conduct constituting a violation of this section, such Attorney General may commence a civil action in the name of such State, as parens patriae on behalf of natural persons residing in such State, in any appropriate United States District Court.

(B) Relief.--In any action under subparagraph (A), the court may award appropriate relief, including temporary, preliminary or permanent injunctive relief, compensatory damages, and civil penalties as described in paragraph (2)(B).

(d) Rules of construction.--Nothing in this section shall be construed--

(1) to prohibit any expressive conduct (including peaceful picketing or other peaceful demonstration) protected from legal prohibition by the First Amendment to the Constitution;

(2) to create new remedies for interference with activities protected by the free speech or free exercise clauses of the First Amendment to the Constitution, occurring outside a

facility, regardless of the point of view expressed, or to limit any existing legal remedies for such interference;

(3) to provide exclusive criminal penalties or civil remedies with respect to the conduct prohibited by this section, or to preempt State or local laws that may provide such penalties or remedies; or

(4) to interfere with the enforcement of State or local laws regulating the performance of abortions or other reproductive health services.

(e) Definitions.--As used in this section:

(1) Facility.--The term "facility" includes a hospital, clinic, physician's office, or other facility that provides reproductive health services, and includes the building or structure in which the facility is located.

(2) Interfere with.--The term "interfere with" means to restrict a person's freedom of movement.

(3) Intimidate.--The term "intimidate" means to place a person in reasonable apprehension of bodily harm to him- or herself or to another.

(4) Physical obstruction.--The term "physical obstruction" means rendering impassable ingress to or egress from a facility that provides reproductive health services or to or from a place of religious worship, or rendering passage to or from such a facility or place of religious worship unreasonably difficult or hazardous.

(5) Reproductive health services.--The term "reproductive health services" means reproductive health services provided in a hospital, clinic, physician's office, or other facility, and includes medical, surgical, counseling or referral services relating to the human reproductive system, including services relating to pregnancy or the termination of a pregnancy.

(6) State.--The term "State" includes a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

FREEDOM OF ACCESS TO CLINIC ENTRANCES (FACE) ACT FACT SHEET

What is the Freedom of Access to Clinic Entrances Act?

The FACE Act makes it a federal crime to commit a range of violent, obstructive and threatening activities toward reproductive health providers and their patients. FACE also authorizes reproductive health care providers, the state attorney general, and/or the federal government to bring civil lawsuits to get injunctions against these activities, or to get monetary damages.

Why was FACE passed?

During the 1980's and early 1990's, clinic protests and blockades were on the rise. Violence against abortion providers was escalating across the country, culminating in the murder of Dr. Gunn in March of 1993 outside a Pensacola, FL clinic and the attempted murder of Dr. Tiller in August of 1993 outside his Wichita, KS clinic. These incidents created urgency in Congress to pass new federal legislation to address the violence committed against reproductive health care facilities and providers and the denial of access to women seeking their services.

When was FACE passed?

FACE was passed by the U.S. Congress and signed into law by former President Clinton in May of 1994.

What does FACE prohibit?

FACE makes it illegal to intentionally use force, the threat of force, or physical obstruction to injure, intimidate, interfere with, or attempt to injure, intimidate or interfere with somebody who provides or is obtaining reproductive health services. FACE also punishes anyone who intentionally damages or destroys a facility that provides reproductive health services.¹

Who does FACE protect?

- A facility or anybody who works at a facility that provides reproductive health services.
- Patients of facilities that provide reproductive health services.
- People accompanying patients, such as a parent, partner, or clinic escort.

What is included in "reproductive health services"?

FACE covers more than just abortion services. "Reproductive health services" include medical, surgical, counseling, or referral services related to pregnancy or the termination of pregnancy provided in a hospital, clinic, physician's office, or other facility that provides reproductive health services.

Who is a "reproductive health care provider"?

Anybody or any facility that provides reproductive health services. Trained professionals who work in credentialed facilities are covered by FACE, as are staff necessary to the safe functioning of a facility, such as security guards, maintenance staff, and patient escorts. People who work in anti-choice reproductive health facilities, such as crisis pregnancy centers, are also covered by FACE. Protesters such as sidewalk counselors who try to give information to women outside of reproductive health care facilities are not covered.¹¹

What does the phrase "interfere with" mean?

Congress included specific definitions in the Act to clarify the meaning of the law.

"Interfere with" means to restrict a person's freedom of movement.

What does the term "intimidate" mean?

Placing a person in reasonable apprehension of bodily injury to him or herself or another.

What is considered a "physical obstruction"?

Rendering the entrance or exit of a facility that provides reproductive health services impassable, or making access into and out of such a facility unreasonably difficult or hazardous.

What is considered a "threat"?

For FACE purposes, a definition which has been adopted by the 9th Circuit Court of Appeals in *Planned Parenthood v. ACLA* is that a statement is a true threat if a reasonable person making the statement would foresee that it would be interpreted by the person to whom it is made as a serious expression to inflict harm or assault.¹² In assessing whether a statement is an unlawful threat, the context in which the statement was made must be considered, including the reaction of the listener.

What are some examples of behavior FACE prohibits?

- Any activity that blocks access to the entrance or obstructs the exit of a facility, including impairing cars from entering and leaving parking lots; impeding the progress of people trying to walk towards doors or through parking lots; or making getting in and out of the facility difficult or dangerous.
- Trespassing, such as clinic invasions.
- Acts of physical violence, such as shoving, directed towards clinic employees, escorts or patients.
- Vandalizing a reproductive health care facility by gluing locks or pouring butyric acid.
- Threats of violence. For example, in 1996 a woman was found guilty of a FACE violation for yelling through a bullhorn to a doctor, "Robert, remember Dr. Gunn. This could happen to you..." (referring to a doctor who was shot in 1993)." In another case, a man was found to have threatened force under FACE when he parked a Ryder truck outside of a clinic shortly after the bombing of a federal building in Oklahoma City where a Ryder truck had carried the explosives."
- Stalking a clinic employee or a reproductive health provider.
- Arson or threats of arson.
- Bombings or bomb threats.

Does the prohibited behavior need to be repetitive to be in violation of FACE?

The Act does not require that the behavior occur more than once. If a singular event is heinous enough in the eyes of a U.S. Attorney, criminal prosecution is likely. However, if the prohibited act is not as severe, proof of repetition will assist in either a criminal or a civil case.

What behavior does FACE not prohibit?

FACE protects protesters' First Amendment right to free speech. Clinic protesters remain free to conduct peaceful protest, including singing hymns, praying, carrying signs, walking picket lines and distributing anti-abortion materials outside of clinics.

Is shouting outside of a clinic a FACE violation?

FACE allows shouting outside of clinics, as long as no threats are made. However, noise levels may not exceed those set by state or local law.

Is the use of photography or videotaping outside a clinic prohibited under FACE?

Taking somebody's picture, either still or moving, without their consent is not an act of force or a threat of force, therefore this is not a FACE violation. However, it may be actionable under state law.

Who can bring a criminal cause of action under FACE?

Only the federal government can file criminal charges under FACE.

What are the criminal penalties under FACE?

The criminal penalties vary according to the severity of the offense and the defendant's prior record of FACE violations. The Act does not provide for minimum sentences; the following are illustrative of the maximum sentences:

- Generally, a first-time offender cannot be sentenced to more than 1 year in prison and a \$100,000 fine. For a second or subsequent violation after a prior FACE conviction, a defendant may be imprisoned for no more than 3 years and fined \$250,000.
- If the violation is a non-violent physical obstruction, a first time "blockader" faces no more than 6 months in prison and a \$10,000. For subsequent violations, the maximum penalty is 18 months and a \$25,000 fine.
- The maximum sentence for offenses that result in bodily injury is 10 years imprisonment. In an offense that results in death the maximum penalty is life imprisonment.

Who can bring a civil cause of action under FACE?

The federal government, state governments, and/or any person or facility that has been the victim of a prohibited action under FACE can bring a civil lawsuit against a violator of FACE.

What are the civil penalties under FACE?

A private plaintiff can obtain temporary, preliminary, or permanent injunctive relief, compensatory and punitive damages, and fees for attorneys and expert witnesses. Rather than collecting compensatory damages, the plaintiff may choose to recover \$5,000 for each proven violation.

The federal government or attorney general of your state may also bring a civil suit in federal court on behalf of third parties injured by FACE violations. The court may

impose civil fines on the defendants according to the following, note these are all the maximum fines:

- first offense, nonviolent physical obstruction: \$10,000
- other first offenses: \$15,000
- subsequent offenses for nonviolent physical obstruction: \$15,000
- other subsequent offenses: \$25,000

Does FACE provide for areas that the protesters cannot enter?

No, FACE does not explicitly define areas that the protesters are prohibited from entering. However, the Act does provide for injunctive relief in the event of a FACE violation, which could limit the areas in which protest occurs. In other words, to obtain a protest-free buffer zone around a clinic entrance, either the facility or the state or federal government must file a civil lawsuit against individual protesters and/or their sponsoring organizations, and prove that their actions violate FACE.

Is FACE constitutional?

Yes, each of the nine federal appeals courts that have heard a FACE case held that FACE is constitutional.^{vi} The U.S. Supreme Court has chosen not to review these cases, in essence affirming the Act's constitutionality. FACE does not infringe the free speech and free assembly rights of anti-abortion protesters. Rather, the law covers unprotected conduct, such as threats, assault, trespass and vandalism.

Has the passage and enforcement of FACE assisted in the decrease of clinic violence?

Yes. In 1994, 52% of clinics reported experiencing severe violence (classified as blockades, invasions, bombings, arsons, chemical attacks, stalking, physical violence, gunfire, bomb threats, death threats, and murder). That number declined to 20% in 1999 and 2000.^{vii} The general consensus is that the FACE Act is an important tool in responding to clinic violence and in deterring possible offenders.

What is the status of law enforcement response to clinic incidents?

Between the passage of FACE in 1994 and 2005, the Department of Justice (DOJ) has obtained the convictions of 71 individuals in 46 criminal prosecutions for violations of FACE. Also, DOJ has brought 17 civil lawsuits under FACE, which have resulted in injunctive relief, damages, and/or penalties.^{viii} Following the murder of Dr. Slepian in 1998, then U.S. Attorney General Janet Reno established the Department of Justice's National Task Force on Violence Against Health Care Providers to address violence

against providers and patients of reproductive health care providers. The task force is responsible for coordinating criminal investigations of anti-abortion activities on a national level. They work with federal, state and local law enforcement agencies to address safety and security issues and to provide investigative support.

What are other legal devices that can be utilized by reproductive health care providers?

Although FACE is extremely useful, there are other tools available. Other federal statutes that may apply:

- **Threats** (18 U.S.C. § 875 and § 876; 18 U.S.C. § 844).
Criminalizes any threat to kidnap or injure a person that is sent through the mail or by interstate telephone lines. The threat need not be made directly to the intended victim. Although a telephone threat must be made between two states for it to be a federal crime, many states have parallel statewide provisions. Additionally, any threat by telephone or mail that involves the use of explosives to injure a person or destroy property is a federal crime, regardless of the originating point of the threat.
- **Telephone Harassment** (18 U.S.C. § 223).
Criminalizes any interstate telephone call that is made for the purpose of harassment. This includes calls where no conversation ensues.
- **Extortion** (18 U.S.C. § 1951).
Criminalizes threats of violence used to force someone to relinquish property. Thus, a threat to commit an act of violence against a physician or clinic if either continues to provide abortions is a crime. The statute probably does not protect recipients of health care services who are similarly threatened.

State statutes and local ordinances that may apply:

- **State FACE Acts.** Some states have enacted their own versions of FACE. This allows states to press criminal charges under state law, and gives clinics more options for enforcement. State versions of FACE have been enacted in California, New York and Washington. Connecticut, the District of Columbia, Kansas, Maine, Maryland, Minnesota, Nevada, North Carolina, Oregon, and Wisconsin also have statutes that deal with harassment at health care facilities.
- **State Buffer Zone Laws.** Colorado, Massachusetts, and Montana have passed buffer zone legislation. In Colorado, within 100 feet of any health care facility

entrance, patients cannot be approached within 8 feet without consent for the purpose of leafleting, displaying a sign, or engaging in conversation. In Massachusetts, an 18-foot buffer zone exists around clinic entrances. Within the buffer zone, protestors must stay at least 6 feet away from clinic workers and patients. In Montana, a 36-foot buffer zone exists, within which protestors must remain 8 feet away from patients and clinic workers.

- **State criminal laws** such as assault, trespass, and arson. Several states also have statutes protecting health care facilities.
- **Residential picketing laws** or injunctions that prevent picketing focused on a particular residence. Such measures may prevent demonstrations not only in front of a targeted residence, but also in front of surrounding residences. They may also limit the number of picketers and the time and duration of the demonstrations to take account of the character of the neighborhood and the privacy of the "target."
- **Loitering laws.** These ordinances can be used if people are congregated in a public street for no apparent reason for an extended period of time.
- **Noise ordinances.** The Supreme Court has approved of restrictions on noise ("singing, chanting, whistling, shouting, yelling, use of bullhorns, auto horns, sound amplification equipment...") when the noise can be heard inside a clinic during clinic hours.
- **Municipal Ordinances.** Pittsburgh, Pennsylvania has enacted a buffer zone ordinance containing two provisions: a 15-foot buffer zone around entrances to health care facilities, and an 8-foot personal bubble zone to prohibit protestors from approaching patients and health care workers.

References

- i 18 U.S.C.A § 248(a).
- ii *Raney v. Aware Woman Center for Choice, Inc.*, 224 F.3d 1266 (11th Cir. 2000).
- iii The Supreme Court denied an appeal in *Planned Parenthood v. ACLA*.
- iv *U.S. v. Dinwiddie*, 76 F.3d 913 (8th Cir. 1996).
- v *U.S. v. Hart*, 212 F.3d 1067 (8th Cir. 2000).
- vi *Norton v. Ashcroft*, 298 F.3d 547 (6th Cir. 2002); *U.S. v. Hart*, 212 F.3d 1067 (8th Cir. 2000); *U.S. v. Gregg*, 226 F.3d 253 (3rd Cir. 2000); *U.S. v. Wilson*, 154 F.3d 658 (7th Cir.1998); *U.S. v. Weslin*, 156 F.3d 292 (2nd Cir. 1998); *Hoffman v. Hunt*, 126 F.3d 575 (4th Cir. 1997); *Cheffer v. Reno*, 55 F.3d 1517 (11th Cir. 1996); *Terry v. Reno*, 101 F.3d 1412 (D.C. Cir. 1996); *US v. Bird*, 401 F.3d 633 (5th Cir. 2005).
- vii 2000 National Clinic Violence Report, Feminist Majority Foundation.
- viii National Task Force on Violence Against Health Care Providers, Department of Justice, Report on Federal Efforts to Prevent and Prosecute Clinic Violence 1998-2000.

US DEPARTMENT OF JUSTICE FACE PRESENTATION

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National Task Force on Violence Against Health Care Providers

- Headed by AAG for Civil Rights Division
- Made up of representatives of:
 - FBI
 - ATF
 - USMS
 - USFIS
 - Civil Rights and Criminal Divisions of DOJ

FACE Prosecutions

- About violence - Not about abortion
- Cases have included:
 - Blockades (single individual to organized
blockade)
 - threats (in person, in mail, by phone, by email)
 - assaults (including murder)
 - bombing, arson
 - chemical/biological attacks

National Task Force Missions

- Coordinate investigation/ prosecution of
clinic related matters
- Serve as information clearinghouse re:
incidents
- Provide information to state and local law
enforcement re: clinic violence
- Provide security information to providers
- Coordinate re: civil FACE enforcement

Establishment of National Task Force on Violence Against Health Care Providers

- Created by AG in response to increased violence in
1998
 - Isobutyric acid attacks across southeast
 - Eleven arsons and bombings, including New
Woman All Woman
 - Beginning of anthrax threats
 - Murder of Dr. Siepian

Freedom of Access to Clinic Entrances Act ("FACE") 18 U.S.C. 248

- Enacted in 1994
- Response to increasing violence/ obstructive
conduct at clinics nationwide
 - Operation Rescue blockades (including
Wichita)
 - Arson, bombings, acid attacks
 - Shooting of Dr. Gunn by Michael Griffin
- Since FACE was enacted, dramatic decrease in
number of incidents

FACE Elements

- FACE prohibits:
 - Use of force, threat of force or physical obstruction
 - To intentionally injure, intimidate or interfere (or attempt to do so)
 - Because person(s) providing / seeking reproductive health service, OR to intimidate others from providing / seeking reproductive health care
- Also prohibits damage or destruction of property of reproductive health care provider

Gathering Evidence

- Motive requirement. Collect Motive evidence:
 - Leaflets or pamphlets
 - Signs suspect was carrying
 - What suspect said before/during/after
- Interview (or at least identify) everyone on the scene
 - Extraordinarily fact specific cases.
 - People on both sides take this very seriously and can exaggerate or lie. The more witnesses the better.
 - Protects against witnesses who magically appear at trial.

Force, Threat of Force, Obstruction

- Force: actual assault
- Threat of Force: fact specific. Look for facts that speaker/factor indicates they will cause harm
 - Mention of gun or assault usually enough
 - References simply to "God" striking someone down are usually not enough
 - Don't have to prove they intended to carry out threat, just that they threatened to cause physical harm.
- Obstruction: Making access "unreasonably difficult"

First Responders

- YOU are the first responders
- Build a good working relationship with providers
 - We tell providers to build good relationships with you
 - Get to know them. The more comfortable everyone is the easier it will be for you to do your job
 - They understand what you cannot do
 - You can more easily identify a real emergency situation
 - The providers will learn what information you need from them and what is expected of them.
- Pay attention to local law violations
 - Keep a small problem from getting bigger

Injure, Intimidate or Interfere

- Injure: Actual Contact or Injury
- Intimidation: Reasonable Apprehension of Bodily Harm
 - psychological intimidation such as videotaping patients, writing license plate numbers, large graphic signs etc. not covered (sometimes violation of local laws)
 - However, additional actions (ie writing down license plates with follow up phone calls) can cross the line to actual intimidation
- Interfere: Restrict Person's Freedom of Movement

Computer Crimes

- Increase in threats via computer
- Respond quickly (time limitations)
- Have recipient save email and print out the entire email (including header and footer information)
- Notify the FBI, they have the resources to track the source of email.

Receiving/Providing

- Reproductive health service broadly defined:
 - Medical/surgical/counseling/referral re: reproductive health system- covers pro-life counseling centers as well as abortion clinics

State of the Task Force

- We're still here!
- Call us and the US Attorney's Office if:
 - you have an incident in your district
 - you think the providers in your district could use a security briefing or you'd like us to assist your local working group in some way

Civil FACE Enforcement Civil Rights Division, Special Litigation Section

Civil vs. Criminal Litigation

- Similarities: types of offenses
- Differences:
 - Burden of proof
 - Penalties
 - Practical considerations

Elements of Civil FACE Violation

3 basic elements: someone violates FACE who:

- (1) By force, threat of force, or physical obstruction
- (2) Intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with
- (3) Any person because that person has been seeking or providing reproductive health services

Civil FACE Scenarios

- Obstruction
 - Access doesn't need to be impossible, just "unreasonably difficult or dangerous"
 - Physical obstruction doesn't have to be bodily obstruction
 - Obstruction can involve rarely used entrances and exits
 - Don't have to demonstrate entry into clinic, physical injury to clients or staff, or non-occurrence of scheduled procedures

Who Can Bring a Civil Action Under FACE?

- "Aggrieved persons"
- State Attorney Generals
- Department of Justice: Civil Rights Division (Special Litigation Section) and US Attorney's Offices

Civil FACE Scenarios

- Threat of force or intimidation
 - Must place someone in reasonable apprehension of imminent physical harm to self or others
 - What facts do courts consider?

Civil Remedies Under FACE

- Injunctions
- Damages
- Civil penalties
- Punitive damages and attorney's fees
- Civil and criminal contempt

How Can Law Enforcement Officers Help?

- Being witnesses to FACE violations
- Documenting violations
- Gathering videotape or photographic evidence
- Building relationships with providers
- Paying attention to local laws

STATE FACE LAWS

California

PENAL CODE SECTION 423-423.6

423. This title shall be known and may be cited as the California Freedom of Access to Clinic and Church Entrances Act, or the California FACE Act.

423.2. Every person who, except a parent or guardian acting towards his or her minor child or ward, commits any of the following acts shall be subject to the punishment specified in Section 423.3.

(a) By force, threat of force, or physical obstruction that is a crime of violence, intentionally injures, intimidates, interferes with, or attempts to injure, intimidate, or interfere with, any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider, or assistant.

(b) By force, threat of force, or physical obstruction that is a crime of violence, intentionally injures, intimidates, interferes with, or attempts to injure, intimidate, or interfere with any person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship.

(c) By nonviolent physical obstruction, intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider, or assistant.

(d) By nonviolent physical obstruction, intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, any person lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship.

(e) Intentionally damages or destroys the property of a person, entity, or facility, or attempts to do so, because the person, entity, or facility is a reproductive health services client, provider, assistant, or facility.

(f) Intentionally damages or destroys the property of a place of religious worship.

New York

NY CLS Penal § 240.70 (2007)

§ 240.70. Criminal interference with health care services or religious worship in the second degree

1. A person is guilty of criminal interference with health services or religious worship in the second degree when:

(a) by force or threat of force or by physical obstruction, he or she intentionally injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with, another person because such other person was or is obtaining or providing reproductive health services; or

(b) by force or threat of force or by physical obstruction, he or she intentionally injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with, another person in order to discourage such other person or any other person or persons from obtaining or providing reproductive health services; or

(c) by force or threat of force or by physical obstruction, he or she intentionally injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with, another person because such person was or is seeking to exercise the right of religious freedom at a place of religious worship; or

(d) he or she intentionally damages the property of a health care facility, or attempts to do so, because such facility provides reproductive health services, or intentionally damages the property of a place of religious worship.

§ 240.71. Criminal interference with health care services or religious worship in the first degree

A person is guilty of criminal interference with health care services or religious worship in the first degree when he or she commits the crime of criminal interference with health care services or religious worship in the second degree and has been previously convicted of the crime of criminal interference with health care services or religious worship in the first or second degree.

Criminal interference with health care services or religious worship in the first degree is a class E felony.

Washington

Wash. Rev. Code Ann. §§ 9A.50.005 to .070, .900 to .902 (Enacted 1993).

It is unlawful for a person willfully or recklessly to interfere with access to or from a health care facility or willfully or recklessly to disrupt the normal function of such a facility by: (1) physical obstruction; (2) noise that unreasonably disturbs the peace within the facility; (3) trespass; (4) repeated telephoning or knowingly permitting the use of any telephone under his or her control for such purpose; or (5) threats to inflict injury upon the owners, agents, patients, employees, or property of the facility, or knowingly permitting the use of any telephone under his or her control for such purpose. A person convicted is guilty of a misdemeanor and will be fined at least \$250 and jailed for at least 24 consecutive hours for a first offense; fined at least \$500 and jailed for at least seven consecutive days for a second offense; and fined at least \$1000 and jailed for at least 30 consecutive days for a subsequent offense. A person or facility aggrieved may bring an action for damages, injunctive relief, costs, and attorneys' fees.

List of Buffer/Bubble Ordinances by State:

California

Los Angeles, CA – Municipal Code Chap. V, Art 6.1 (passed as Ordinance No. 170517, May 1995).

Relevant Provisions: Makes it a misdemeanor to intentionally act in any manner that threatens or disturbs the peace or security of a medical facility. The police may also order demonstrators to stay 50 feet away from a clinic and its parking lot for up to four hours at a time. The law also prohibits activities that interfere with a patient or worker at a medical facility.

Relevant Cases: N/A

Result of Cases: N/A

Oakland, CA – Municipal Code Title 8, Chapter 8.5 (passed as Ordinance No. 12860, Jan 17, 2008).

Relevant Provisions: Creates a buffer zone of 100 feet around “reproductive health care facilities”, with no-approach bubble zones eight feet around any one approaching a facility in the buffer zone. Violation of the ordinance is a misdemeanor.

Relevant Cases: N/A

Result of Cases: N/A

Sacramento, CA – In July, 2003 the Sacramento County Supervisors passed a buffer zone ordinance. The City of Sacramento passed an ordinance that went into effect June 25, 2004 modeled after the county ordinance, and then, in light of *Hill v. Colorado*, passed a remodeled ordinance in October 2004.

Relevant Provisions: The first ordinance created a buffer zone with a 20-foot radius around clinic walkways and driveways, making it a misdemeanor to “harass” anyone entering or leaving the facility. Harass is defined as “intentionally approaching another person [without consent] for the purpose of passing a leaflet or handbill to, displaying a sign to, or engaging in oral protest, education or counseling with such other person in a buffer zone.” The remodeled City ordinance replaced the 20 foot buffer zone around all clinic entrances in favor of an 8 foot cease and desist bubble zone around all persons entering or exiting the clinic.

Relevant Cases: E.D.Cal. case, Plaintiffs Harry Reeves (Sanctity of Human Life Network) and Peter Stillon; and *Feminist Women’s Health Center v. Sanctity of Human Life*, Case No. 05AS02303 (May 2005), Superior Court of California, Sacramento County; see *Hill v. Colorado*, 530 U.S. 703 (2000).

Result of Cases: In July 2004, a U.S. District Court judge issued a temporary restraining order enjoining enforcement of the original city ordinance, though he stopped short of labeling the rule unconstitutional. The city passed a remodeled ordinance creating an 8 foot cease-and-desist bubble zone around clinic patrons and staff. The protestors dropped the lawsuit against the new ordinance.

San Diego, CA – Municipal Code §§ 52.1001-52.1002

Relevant Provisions: Creates an eight foot cease-and-desist bubble zone within a 100-foot buffer zone around health care facilities, places of worship, or schools. The ordinance also provides for a private right of action.

Relevant Cases: See *Hill v. Colorado*, 530 U.S. 703 (2000).

Result of Cases: N/A

San Francisco, CA – Police Code Article 43 (passed on July 16, 1993 as Ordinance No. 226-93).

Relevant Provisions: Creates an eight foot cease-and-desist bubble zone around any person entering, exiting, or seeking care within a health care facility who is within a 100-foot buffer zone around a health care facility. Unlike most other localities' ordinances, this ordinance does not prohibit only "demonstration activity." The ordinance also provides a private right of action.

Relevant Cases: See *Hill v. Colorado*, 530 U.S. 703 (2000).

Result of Cases: N/A

Police Code Article 43 Available at

<http://www.municode.com/Resources/gateway.asp?pid=14140&sid=5>.

San Jose, CA – Code § 10.08.030 (1993) (passed on August 18, 1992 as Ordinance No. 24157)

Relevant Provisions: Crates an eight-foot cease-and-desist bubble zone around individuals within a 100-foot buffer zone around health care facilities, protecting access to and from the facility. The ordinance also provides for a private right of action. (Mun. Code § 10.08.040).

Relevant Cases: See *Hill v. Colorado*, 530 U.S. 703 (2000).

Result of Cases: N/A

Ventura, CA – In November 1995, the Ventura City Council was considering a buffer zone law modeled after the Santa Barbara law (discussed above), but the council tabled the proposal until the constitutionality of the Santa Barbara ordinance was decided.

Relevant Provisions: The ordinance under consideration is a bubble ordinance that prohibits demonstrators from coming within eight feet of anyone coming into or leaving a church or health clinic once he or she asks to be left alone.

Relevant Cases: See *Hill v. Colorado*, 530 U.S. 703 (2000).

Result of Cases: N/A

Colorado

Colorado – Colorado Revised Statutes Annotated § 18-9-122

Relevant Provisions: Creates an eight-foot no-approach bubble zone around any person within a buffer zone that stretches 100 feet from the entrance to a health care facility and makes it a misdemeanor to obstruct entry to or exit from a health care facility. Section 13-21-106.7 provides for civil remedies in addition to any criminal sanctions available under § 18-9-122.

Relevant Cases: *Hill v. City of Lakewood*, 911 P.2d 670 (Colo. Ct. App. 1995), *cert. granted, judgment vacated*, *Hill v. Colorado*, 519 U.S. 1145 (1997), 519 U.S. 1145 (1997), *on remand*, *Hill v. City of Lakewood*, 949 P.2d 107 (Colo. Ct. App. 1997), *aff'd by Hill v. Thomas*, 973 P.2d 1246 (1999), *aff'd by Hill v. Colorado*, 530 U.S. 703 (2000).

Result of Cases: Anti-choice protestors challenged the ordinance, seeking an injunction against its enforcement. The Supreme Court held that the statute was a narrowly tailored content-neutral time, place, and manner regulation; the statute was not overbroad or vague; and the statute did not impose unconstitutional prior restraint on speech.

Boulder, CO – Revised Code § 5-3-10 (passed on Dec. 9, 1986 as Ordinance No. 4982 and revised by Ordinance No. 5037 on May 5, 1987).

Relevant Provisions: Creates an eight-foot cease-and-desist bubble zone within a 100-foot buffer zone around health care facilities.

Relevant Cases: *Buchanan v. Jorgensen*, No. Civ. 87-2-213 (D. Colo. Mar. 6, 1987); see *Hill v. Colorado*, 530 U.S. 703 (2000).

Result of Cases: Anti-choice advocates filed suit in federal court but lost their motion to get a preliminary injunction against enforcing ordinance No. 4982. Following the court ruling, ordinance No. 5037 revised No. 4982, clarifying definitions but leaving the ordinance otherwise intact. Plaintiffs subsequently dropped their lawsuit.

Denver, CO – Ordinance No. 728 (passed on Nov. 19, 1990).

Relevant Provisions: Creates an eight-foot cease-and-desist bubble zone within a 100-foot buffer zone around entrances to health care facilities.

Relevant Cases: See *Hill v. Colorado*, 530 U.S. 703 (2000).

Result of Cases: N/A

Florida

Pensacola, FL – City Code § 8-1-18 (passed as ordinance No. 3-95 on Jan. 26, 1995)

Relevant Provisions: Creates “Law Enforcement Areas” that include all public property within eight feet of abortion clinic’s property except paved and public sidewalks. No one, except law enforcement officials, is permitted to enter the areas. At one clinic where it is necessary for access, employees and patients of the clinic may cross the area via the driveway when they enter or leave the clinic.

Relevant Cases: *Conrow v. City of Pensacola*, No. 95-257-CA-01 (Fla. Cir. Ct. Apr. 11, 1995).

Result of Cases: Anti-choice protestors filed suit in Florida state court. In April 1995, the judge denied their petition for a preliminary injunction to enjoin enforcement of the ordinance.

West Palm Beach, FL – In the process of rewriting their ordinance after their first attempt was ruled unconstitutional.

Massachusetts

Massachusetts – M.G.L.A. c. 266 § 120E ½

Relevant Provisions: Original ordinance that created bubble zones within an 18 foot buffer zone was amended to create a 35 foot buffer zone around clinic entrances, exits, and driveways.

Relevant Cases: Is currently being challenged in *McCullen v. Coakley*, No. 1:08-cv-100066-JLT (D. Mass. filed Jan. 16, 2008), but no decision has been passed down yet.

Result of Cases:

Minnesota

St. Paul, MN – Minnesota Statutes § 609.7945, as implemented by the City of St. Paul.

Relevant Provisions: The City of St. Paul, preparing for a large scale anti-abortion action by Operation Rescue, relied upon the state statute in temporarily erecting a fence that created a buffer zone that encompassed a Planned Parenthood clinic’s property and the

sidewalk in front of the clinic. Only invitees of the clinic were permitted to cross the sidewalk to enter the clinic.

Relevant Cases: *Fischer v. City of St. Paul*, 894 F.Supp. 1318 (D. Minn. 1995).

Result of Cases: The court found the buffer zone to be constitutional, and granted the city's motion for summary judgment.

Montana

Montana – H.B. 423: Crime of Obstructing Access to a Health Care Facility, effective Oct. 1, 2005.

Relevant Provisions: The bill, signed into law by the governor of Montana in April 2005, effective Oct. 1, 2005, creates an 8-foot cease-and-desist bubble zone within a 36-foot buffer zone around health care clinics.

Relevant Cases: *See Hill v. Colorado*, 530 U.S. 703 (2000).

Result of Cases: N/A

New Hampshire

Concord, NH – Code of Ordinances, Title I, Chapter 4, §§ 4-8-1 to 4-8-3; 4-9-1 to 4-9-3.

Relevant Provisions: Creates a ten-foot buffer zone around the property line of a health care facility where persons may not picket in an aggressive manner, obstruct traffic, or block entrances to the facility. The ordinance includes an eight-foot cease-and-desist bubble zone around any person who makes a clearly communicated request that another person withdraw. The ordinance also permits police to order the dispersal of an assembly that blocks access, and makes it unlawful for those persons to reassemble within 50 feet of a health care facility until 8:00 AM the next day.

Relevant Cases: None

Result of Cases: N/A

Ohio

Cincinnati, OH – Municipal Code § 907-5 (passed as Ordinance No. 256-1992)

Relevant Provisions: Makes it a crime to trespass on a medical facility's property and allows for more severe penalties than for violation of the state law against trespassing. The ordinance prohibits knowingly, recklessly, or negligently entering or remaining on the premises of a medical facility without the privilege to do so.

Relevant Cases: *City of Cincinnati v. Thompson*, 643 N.E.2d 1157 (Ohio Ct. App.), *appeal dismissed*, 641 N.E.2d 1111 (Ohio 1994).

Result of Cases: The Fifth Circuit Court of Appeals upheld the ordinance as constitutional.

Pennsylvania

Pittsburgh, PA – City of Pittsburgh Code of Ordinances §§ 623.03-623.05 (passed as Bill Number 2005-1944 on December 13, 2005)

Relevant Provisions: Creates an 8-ft. consensual approach bubble within 100-ft. of any entry door to a hospital, medical office, or medical clinic. The ordinance prohibits congregating, patrolling, picketing, or demonstrating within 15 feet of any entrance. There are exceptions for emergency workers and escorts. Creates escalating fines for repeated violations.

Relevant Cases: *Brown v. Pittsburgh*, 2008 U.S. Dist LEXIS 13463 (W.D.Pa. 2008)

Result of Cases: An anti-choice demonstrator filed suit and the District Court for the Western District of Pennsylvania upheld the ordinance. The Plaintiff is currently appealing the decision to the Third Circuit Court of Appeals, but the ordinance stands in the meantime.

Rhode Island

Rhode Island – H.B. 5438 § 23-17.20-5, S.B. 879 § 23-17.20-5: Safe Access to Medical and Religious Facilities

Relevant Provisions: Each bill has a section which creates an 8-foot cease-and-desist bubble zone within a 100-foot buffer zone around any health care facility. Each bill also makes it a misdemeanor to violate the buffer zone, and creates a private right of action.

Relevant Cases: See *Hill v. Colorado*, 530 U.S. 703 (2000).

Result of Cases: N/A

Texas

Dallas, TX – Dallas City Code § 30-4 (passed as Ordinance No. 13744 and Amended on July 17, 1985).

Relevant Provisions: Prohibits operation of loudspeakers within 150 feet of medical facilities and hospitals (as well as schools in operation and nursing homes).

Relevant Cases: *Medline v. Palmer*, 874 F.2d 1085 (5th Cir. 1989), *reh'g denied*, 1989 US App. Lexis 11680 (5th Cir. 1989).

Result of Cases: Anti-choice demonstrators filed suit and the Fifth Circuit Court of Appeals upheld the ordinance as constitutional.

List of Picketing Ordinances by State:

Alabama

Mountain Brook, AL – Mountain Brook Municipal Code §§ 18-32, 18-37, 18-46 (2002).

Relevant Provisions: Prohibits public assemblies in areas zoned residential by the city code. "Public assemblies" defined as a "parade, march, formation, procession, group of pickets, picket line, public demonstration, movement, assemblage, gathering, or display of persons."

Relevant Cases: N/A.

Result of Cases: N/A.

Arizona

Arizona – Arizona Revised Statutes § 13-2909 (2001)

Relevant Provisions: Prohibits residential picketing, defined as "demonstrating before or about the residence or dwelling place of an individual" "with intent to harass, annoy or alarm another person."

Relevant Cases: *State v. Baldwin*, 908 P.2d 483 (Ariz. Ct. App. 1995).

Result of Cases: Ordinance constitutional.

Arkansas

Arkansas – Arkansas Code Annotated § 5-71-225 (2001).

Relevant Provisions: Prohibits "demonstrations of any type or picketing before or about any residence or dwelling place of any individual."

Relevant Cases: N/A

Result of Cases: N/A

California

Davis, CA – Davis Municipal Code § 35.06

Relevant Provisions: Prohibits picketing "before or about" a residence or dwelling.

Relevant Cases: N/A

Result of Cases: N/A

Glendale, CA – Glendale Municipal Code § 9.20.080

Relevant Provisions: Prohibits picketing "solely in front of, or at, the residence or dwelling of any individual without permission from the owner or occupant of said residence."

Relevant Cases: N/A

Result of Cases: N/A

Huntington Beach, CA – Huntington Beach Municipal Code § 9.20.030

Relevant Provisions: Prohibits targeted picketing within 300 feet of residence or dwelling of any individual.

Relevant Cases: N/A

Result of Cases: N/A

Irvine, CA – Irvine Municipal Code §§ 4-14.104, 4-14-107 (2002)

Relevant Provisions: Prohibits picketing, parading, or a procession for the purpose of inducing an employee to quit her employment by means of compulsion, coercion, intimidation, threat or act of violence or fear.

Relevant Cases: N/A

Result of Cases: N/A

Los Angeles, CA – Los Angeles Municipal Code, ch. 5, art. 6.1, § 56.45 (e) (5th ed., 1997)

Relevant Provisions: Prohibits picketing, parades, or patrols that 1) focus on a private residence, and 2) takes place within 100 feet of the private residence.

Relevant Cases: N/A

Result of Cases: N/A

Riverside, CA – Riverside Municipal Code §§ 8.54.010, 9.54.030 – 9.54.050 (1999)

Relevant Provisions: Prohibits targeted picketing within 300 feet of a residential dwelling

Relevant Cases: N/A

Result of Cases: N/A

San Jose, CA – San Jose Municipal Code § 10.09.010

Relevant Provisions: Prohibits picketing activity that is “targeted at and is within 300 feet of a residential dwelling.” “Residential dwelling” means any “permanent building being used by its occupants solely for non-transient residential uses.” “Targeted” means any “picketing activity that is targeted at a particular residential dwelling and proceeds on a definite course or route in front of or around that particular residential dwelling.” Enforcement is limited to where picketing proceeds “on a definite course or route in front of a residential dwelling and is directed at that residential dwelling.”

Relevant Cases: *City of San Jose v. Thompson*, 32 Cal. App. 4th 330 (Cal. Ct. of Appeals 1995), *cert. denied*, 516 U.S. 932 (1995).

Result of Cases: Ordinance constitutional

Santa Ana, CA – Santa Ana Municipal Code § 10-110

Relevant Provisions: Prohibits picketing “before or about” the residence where “such picketing is focused on that particular residence.”

Relevant Cases: N/A

Result of Cases: N/A

Solana Beach, CA – Solana Beach Municipal Code §§ 7.38.010-7.38.020

Relevant Provisions: Makes targeted residential picketing a misdemeanor. Section should be construed and applied in accordance with *Frisby v. Shultz*, 487 U.S. 474 (1988).

Relevant Cases: N/A

Result of Cases: N/A

Tustin, CA – Tustin Municipal Code §§ 6510 – 6520

Relevant Provisions: Prohibits “picketing activity that is targeted at and is within 300 feet of a residential property.” Three hundred foot zone measured from nearest property line of the targeted property to the picketing activity.

Relevant Cases: N/A

Result of Cases: N/A

Colorado

Colorado – Colorado Revised Statutes §18-9-108.5

Relevant Provisions: Prohibits targeted picketing in a residential area except when picketer is marching, without stopping, over a route that extends at least beyond three adjacent structures, or three hundred feet on either side of the targeted residence. Prohibits picketers from carrying more than one sign, which must be no larger than six square feet. Picketers violating the ordinance may be found guilty of a misdemeanor and fined no more than \$5,000.

Relevant Cases: N/A

Result of Cases: N/A

Arapahoe County, CO – Arapahoe County Ordinance No. 2000-1

Relevant Provisions: Prohibits targeted picketing in a residential area except when picketer is marching, without stopping in front of any residence, over a route along the entire one-way length of at least one block (660 feet) of a street. Prohibits residential picketers from carrying or displaying signs that are greater than two feet and/or larger in total size than three square feet. Each picketer is limited to one sign.

Relevant Cases: N/A

Result of Cases: N/A

District of Columbia

District of Columbia – District of Columbia Code § 22-1314.02 (2001)

Relevant Provisions: Prohibits acting alone or with others “with the intent to prevent a health professional or his or her family from entering or leaving the health professional’s home.”

Relevant Cases: N/A

Result of Cases: N/A

Florida

Melbourne Beach, FL – Town of Melbourne Beach Code § 66-2

Relevant Provisions: Prohibits targeted residential picketing

Relevant Cases: N/A

Result of Cases: N/A

Georgia

Atlanta, GA – Atlanta Municipal Code § 106-89 (2002)

Relevant Provisions: Prohibits picketing before or about private residence. Picketing defined as: patrolling or stationing at a residence with a sign or insignia designed to persuade or protest or to obstruct passage to or from a residence or to promote a strike or boycott at a residence.

Relevant Cases: N/A

Result of Cases: N/A

Hawaii

Hawaii – Hawaii Revised Statutes Annotated § 379A-1 (2001)

Relevant Provisions: Prohibits picketing “before or about” the residence or dwelling place of any individual. Does not prohibit picketing during a labor dispute.

Relevant Cases: *Carey v. Brown*, 447 U.S. 455 (1980).

Result of Cases: This ordinance was not the subject of the *Carey* lawsuit, but is likely unconstitutional because it is very similar to the ordinance struck down by *Carey*.

Illinois

Danville, IL – Danville Code of Ordinances § 133.02

Relevant Provisions: Prohibits picketing “before or about” a residence, except when residence is used as a place of business. Section does not apply to 1) a person peacefully picketing his own residence, or 2) a person peacefully picketing a place of employment involved in a labor dispute, or 3) a place where holding a meeting or assembly on premises is used to discuss public interest topics.

Relevant Cases: N/A

Result of Cases: N/A

Lockport, IL – Lockport Code of Ordinances § 130.22

Relevant Provisions: Identical to Illinois Compiled Statutes Annotated, 720 ILCS ch. 38, 21.1-2.

Relevant Cases: *Carey v. Brown*, 447 U.S. 455 (1980).

Result of Cases: Probably unconstitutional based on *Carey*.

Palos Heights, IL – Palos Heights Code of Ordinances § 133.02

Relevant Provisions: Prohibits picketing “before or about” a residence, except when targeted residence is used as a place of business.

Relevant Cases: N/A

Result of Cases: N/A

Iowa

Clive, IA – Clive Code of Ordinances ch. 40, § 07 (1996).

Relevant Provisions: Ordinance prohibits “any person to engage in picketing before, about, or immediately adjacent to, the residence or dwelling of any individual in the City.”

Relevant Cases: *Douglas v. Brownwell*, 88 F.3d 1511 (8th Cir. 1996).

Result of Cases: Residential picketing prohibition upheld as constitutional. The 3-house zone was narrowly tailored to serve a state interest.

Kansas

Lenexa, KS – Lenexa Municipal Code § 3-9-E-8

Relevant Provisions: Prohibits targeted residential picketing unless the targeted residence is used as a place of business or public assembly.

Relevant Cases: N/A

Result of Cases: N/A

Prairie Village, KS – Prairie Village Ordinance 1785, art. 9.13

Relevant Provisions: Prohibits picketing before or about the residence or dwelling of any individual in the city, or before or about any church in the city.

Relevant Cases: *City of Prairie Village v. Hogan*, 253 Kan. 423, 855 P.2d 949 (1993).

Result of Cases: Ordinance constitutional. Construed to cover focused picketing as in Frisby.

Topeka, KS – Topeka Municipal Code § 54-126

Relevant Provisions: Prohibits picketing which is “directed, focused or targeted at a residence and which takes place before or about that residence.” Defines residential picketing as when a person “with or without a sign, is posted at, before or about a particular residence.”

Relevant Cases: N/A

Result of Cases: N/A

Maryland

Montgomery County, MD – Montgomery County Code § 32-23

Relevant Provisions: Prohibits picketing “in front of or adjacent to any private residence.” Section does not prohibit: 1) picketers from marching in residential area without stopping at any particular residence; 2) picketing in front of a residence used as the occupant’s sole place of business; 3) picketing a private residence during a public meeting. Picketing means “to post a person or persons at a particular place to convey a message.”

Relevant Cases: N/A

Result of Cases: N/A

Michigan

Michigan – Michigan Compiled Laws of Service § 423.9f (2001)

Relevant Provisions: Prohibits “picketing a private residence by any means or methods whatever.

Relevant Cases: *Ellsworth v. City of Lansing*, 2000 U.S. App. LEXIS 2049 (6th Cir. 2000).

Result of Cases: Protestors did not challenge constitutionality of the ordinance, so the Court assumed it was constitutional.

Sterling Heights, MI – Sterling Heights Michigan Code of Ordinances § 35-16A

Relevant Provisions: Prohibits targeted picketing “before, about or immediately adjacent to a targeted residence.” “Before, about or immediately adjacent” means “in front of or within one residence on either side of a targeted residence and on the same side of the street as the targeted residence.”

Relevant Cases: N/A

Result of Cases: N/A

Nebraska

Lincoln, NE – Lincoln Municipal Code § 9.40.090 (Supp. 1999)

Relevant Provisions: Prohibits “focused picketing in that portion of any street which abuts on the property upon which the targeted dwelling is located, or which abuts on property within fifty feet (measured from the lot line) of the property upon which the targeted dwelling is located, except the sidewalk space on the opposite side of the street from the targeted dwelling.” Focused picketing defined as “marching, congregating, standing,

parading, demonstrating, parking, or patrolling by one or more persons, with or without signs," directed at a specific person.

Relevant Cases: *Thorburn v. Austin*, 231 F.3d 1114 (8th Cir. 2000).

Result of Cases: Ordinance constitutional.

New Hampshire

Concord, NH – Concord Municipal Code § 4-8-3

Relevant Provisions: Prohibits "demonstration activity which is directed, focused, or targeted at a residence located in a nonresidential zoning district and which takes place before or about that residence." Exception for picketing a residence which is used as a place of business or public assembly.

Relevant Cases: N/A

Result of Cases: N/A

New Mexico

Albuquerque, NM – Albuquerque Code of Ordinances § 12-2-26

Relevant Provisions: Prohibits picketing "focused on and taking place in front of or next to a particular residence, without the express prior consent of the occupants."

Relevant Cases: N/A

Result of Cases: N/A

Artesia, NM – Artesia, NM Ordinance 347 (1973)

Relevant Provisions: Prohibits picketing before or about the residence or dwelling of any individual.

Relevant Cases: *Garcia v. Gray*, 507 F.2d 539 (10th Cir. 1974), *cert. denied*, 421 U.S. 971 (1975).

Result of Cases: Ordinance constitutional.

North Carolina

Greensboro, NC – Greensboro Municipal Code § 26-157

Relevant Provisions: Prohibits picketing "solely in front of, before or about the residence or dwelling of any individual."

Relevant Cases: N/A

Result of Cases: N/A

North Dakota

Fargo, ND – Fargo Municipal Code § 10-1202 (1985).

Relevant Provisions: Prohibits engaging "in picketing the dwelling of any individual in the City of Fargo." "Dwelling" includes any structure or building or dwelling unit within a building, which is used as a place of residence. "Picketing" includes the practice of standing, marching, or patrolling by one or more persons inside of, in front, or about any premises for the purpose of persuading an occupant of such premises or to protest some action, attitude, or belief.

Relevant Cases: *Veneklase v. City of Fargo*, 248 F.3d 738 (8th Cir. 2001), *cert. denied*, 543 U.S. 815 (2001).

Result of Cases: Ordinance constitutional.

Rhode Island

Barrington, RI – Barrington, RI Ordinance 86-6 (1986).

Relevant Provisions: Prohibits picketing in front of, adjacent to or with respect to any property used for a residential purpose. Exception for when such picketing relates to a use or activity being carried on within such property.

Relevant Cases: *Town of Barrington v. Blake*, 568 A.2d 1015 (1990).

Result of Cases: Ordinance constitutional.

Warwick, RI – Warwick Municipal Code § 40-9.

Relevant Provisions: Prohibits picketing "before or about" a residence. Nothing in residential picketing ordinance should be deemed to prohibit: 1) Picketing in a lawful manner during labor dispute, or 2) holding a meeting or an assembly on any premises commonly used for discussions of public interest.

Relevant Cases: N/A

Result of Cases: N/A

South Dakota

Sioux Falls, SD – Sioux Falls Municipal Code § 38.145.

Relevant Provisions: Prohibits "picketing before or about the residence or dwelling of any individual in the city."

Relevant Cases: N/A

Result of Cases: N/A

Texas

Dallas, TX – Dallas City Code § 31-34

Relevant Provisions: Prohibits picketing within 200 feet of the property line of a residence "when the picketing is directed or focused at that particular residence or any of its occupants."

Relevant Cases: N/A

Result of Cases: N/A

Virginia

Virginia – Virginia Code Annotated § 18.2-419 (2001).

Relevant Provisions: Prohibits picketing before or about a person's residence or assembling "in a manner which disrupts or threatens to disrupt any individual's right to tranquility in his home," exempts labor picketing.

Relevant Cases: *Commonwealth v. Hyatt*, 37 Va. Cir. 384 (Va. Cir. Ct. 1995)

Result of Cases: Ordinance unconstitutional.

Wisconsin

Brookfield, WI – Brookfield, Wis. Gen. Code 9.17(2).

Relevant Provisions: Prohibits picketing "before or about the residence or dwelling of any individual in the Town."

Relevant Cases: *Frisby v. Schultz*, 487 U.S. 474 (1988).

Result of Cases: Ordinance constitutional. Narrowed to cover only targeted focused picketing.

Wisconsin Rapids, WI – Wisconsin Rapids Municipal Code § 25.27

Relevant Provisions: Prohibits picketing “before or about” the residence of any individual in the city of Wisconsin Rapids.

Relevant Cases: N/A

Result of Cases: N/A

AGENDA FOR FACE ACT TRAINING
August 25, 2010

TOPIC	PRESENTER
8:30 to 9:00am	Check in
9:00 to 9:15am	Opening Remarks SAC Balizan and SSRA Savage
9:15 to 9:45am	Overview of the Extremist Anti-Abortion Violence Movement in the U.S. Margaret Moore Director, National Center Women and Policing
9:45 to 10:30am	Prosecutions of Freedom of Access to Clinic Entrances (FACE) Violations Paige Fitzgerald Deputy Chief, Criminal Section Civil Rights Department of Justice
10:30 to 10:45am	Break
10:45 to 11:15am	Freedom of Access to Clinic Entrances (FACE) Violations and Domestic Terrorism SSA Peter Kaupp Civil Rights Unit FBIHQ
11:15 to 11:45am	Panel Discussion State and Federal Jurisdiction at a Clinic AUSA William Fitzgerald SA Timothy Suttles Lt. Jennifer Bills, Eugene Police
11:45 to 12:30pm	Working with Clinics and the Resource Guide for Law Enforcement Sharon Lau Director, Clinic Defense and Research National Abortion Federation Ellen Gertzog Security Director, Planned Parenthood Federation of America
12:30 to 1:00pm	Questions, wrap-up and Close