

Subcommittee on the Constitution and Limited Government of the Committee on the Judiciary

Revisiting the Implications of the FACE Act: Part 2

December 18, 2024

The Morning Raid

On October 5th, 2022, at approximately 7:15 in the morning, my house was assaulted, my wife and children were terrorized, and I was kidnapped at gun point by four armed men.¹ I had just sent three of my children to the car so I could take them to school. As I gathered my final items needed for an important business meeting later that day, the house began to shake from a loud banging on the front of the house. I heard men shouting on my porch, "Open up, FBI". The banging continued. As I looked out of a side window to check on the location of my children, I saw two unmarked SUVs with lights flashing, but I did not see my children. The banging continued and I heard more shouting, "Open up, FBI!". I opened the curtains on the front door to find three men with guns trained on the door. I asked who they were looking for and they replied, "We're here for you". They did not identify me by name or provide any identification for themselves.

As I believed there was an imminent threat to the safety of my wife and 7 children who were home that morning, I determined to surrender myself to them with nothing more than hope that they were legitimate law enforcement.

I opened the door and stepped out onto the porch staring down the barrels of both a pistol and an automatic weapon of war pointed at my head, with another agent carrying his long gun at a low ready position behind the first two. As I did, I asked what authority they were operating under and if they had identification. I later learned that at the same time, three of my children ages 12, 14, and 18 were being detained in the side yard on the edge of the woods by a 4th man.

These men were in full tactical gear, armed with weapons of war, but not in uniform. I was taken without the presentation of a warrant or identification when requested. In fact, one man showed a desire to escalate the lethal risk my family and I faced that morning by responding to my request for identification and authority with taunts. As he puffed out his chest, he poked his finger on the Velcro patch labeled "FBI" and shouted, "This is the only identification you get".

Make no mistake, this was an armed conflict, and I was unarmed. Lethal force was abused to abridge my God given and constitutionally secured rights. At the moment of being placed in handcuffs, I became a slave to ideological tyrants, either the ones holding the weapons or the ones they obeyed. Either way, I had no rights and was completely under the control of four armed men, who could have just as easily have been Al Queda as respectable US law enforcement. As it turns out they were neither. The constitution, as it relates to me and my family, was torn to shreds and left under the boots of these men as they escorted me to their car in handcuffs.

¹ For a 5-minute statement from the family members and video footage following the arrest see:
<https://rumble.com/v5zv338-fbi-raid-audiogram.html>

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Figure 1: Agent 1 Sterling C. Wall



Figure 2: Agent 1 and 2



Figure 3: Agent 1 and Agent 2



Figure 4: Agent 3



Figure 5: Agent 4 - Detained Children



Figure 6: Agent 2 and Agent 3

The Ride

Agent Sterling Wall (Figure 1) appeared to be the lead of the four agents on my arrest. He signed the warrant confirming my arrest² and was the one who drove me to the holding cells beneath the federal courthouse in downtown Nashville. Agent 3 accompanied us. Although I had no eyeglasses to read the warrant, Agent Wall did pull it up on his laptop once I was in the back seat of his car and in custody. None of the men offered any information to my wife although she asked repeatedly what this was about. The fact is from roughly 7:15 that morning until I was arraigned around 2 pm and then dumped on the streets of downtown Nashville, over 60 miles from my home, without a wallet, phone, id, or any personal effects. No one who knew me knew where I was or why I was kidnapped off my porch. During this time, I had been shackled, fingerprinted, had my DNA stolen under duress, and was thrown into a holding cell with felons. While I endured this litany of injustice and humiliation, my children had it far worse. The household was in emotional shambles as my 12-year-old was curled up in a ball sobbing in tears, my 18-year-old was fighting back stress and adrenal sickness, my wife attempted to offer support without any knowledge of who had taken me and why. We determined later the agents did not go through my local sheriff; they didn't notify any Tennessee Law enforcement. They simply showed up with lethal force, guns pointed at my head and kidnapped me off my front porch in front of my family.

As we pulled out of my driveway Agent Wall called Mark Shafer to inform him, I was in custody. I witnessed the call and saw the name on the caller ID. This left the obvious question in my mind who is Mark Shafer? Was he the one that ordered the Gestapo hit on my house? Is he the one who chose not to call me to request I self-surrender, like the co-defendants in other jurisdictions were able to do? I have no criminal record. I have lived in the same house for 17 years. I own a local business serving the community I live in. Why was a lethal force raid needed to secure the warrant for my arrest? Who gave that order?



Figure 7 Mark Shafer

The Event in Question

The reason for all this drama is a pro-life event that occurred 18 months prior to my arrest. On March 5th of 2021 a handful of pro-life Christians gathered at the Carafem Abortion Clinic in Mount Juliet Tennessee to attempt to save unborn children who were scheduled to die that morning.

Ultimately there were 8 adults arrested that day for passively and peacefully refusing to leave the premises when requested by the police. They did not do this in rebellion against the police, but to identify with the unborn who are unable to leave the womb where they are scheduled to be terminated.

I did nothing different that day, that I have not done since the FACE Act was passed in 1994. I was not arrested the day of the event. I broke no laws, federal or local. In fact, we were expecting our 11th child, and I promised my wife I would stay out of any trouble. So, I was very careful to stay within the legal lines. I had sidewalk counselors on site that day I was responsible for as well as my own children. When one particular police officer seemed agitated, I want to talk with him to make sure he understood the purpose of us being there that day and insure him the people onsite were not violent and had great respect for the police in contradiction to many other protest groups in our nation in recent years.

² See Exhibit 1 Returned Arrest Warrant: <https://app.box.com/s/bhr0j2nu9mekbj7ts9dppcboc2tmi6q6>

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I ended up talking with the police chief and the lead negotiating team as a desire to make sure everyone was safe and to help them both understand what was going on and to bring a peaceful resolution to the event. I helped the police and the pro-lifers that day as a messenger between the two groups. The police spokesperson complimented the peaceful nature of the group in the media that afternoon.³ The lead negotiator for the Mount Juliet Police Department who I interacted with that day testified at our federal trial on our behalf.

There is evidence from the trial that Mark Shafer showed up at the Carafem clinic at 10:51 AM the day of the event and was identified as being with “the FACE unit FBI” to conduct interviews and began his investigation⁴. He submitted a subpoena request to the Middle TN District court that was signed by Magistrate Judge Frensley.⁵ By all reasonable evidence available he seems to be the lead investigator in this case and perhaps oversaw executing the warrants for arrest. If so, why did he choose to bring lethal force to my front door when a phone call accomplishes the same goal? Did he give the order, or did it come from higher in the chain of command? He was promoted 30 days after my arrest to The Office of Congressional Affairs in Washington D.C. Was this new position as Supervisory Special Agent a direct result of his execution of my arrest?⁶ Was his subsequent retirement during the heat of the election an attempt to avoid the justice President Trump promised?⁷ These are some of the questions Congress should be asking in their oversight capacity. This is just one way the FACE Act is being used as a weapon against the free speech and religious freedoms of conservative Christian Americans.

The Reproductive Task Force

Between the event in March of 2021 and the raid on my house in October of 2022, there was a central event that happened. The Supreme Court overturned the previous rulings related to abortion. Instead of the Department of Justice enforcing the laws of the land, they chose to oppose the Court. In June of 2022, Merrick Garland stated, “The Justice Department strongly disagrees with the Court’s decision.”⁸ As a result of that disagreement I believe the DOJ formed their own personal office of warfare, called “The Reproductive Health Task Force” in July of 2022.⁹ There have been multiple presentations to this Committee regarding the unequal application of the FACE Act by this task force and their enforcement through the FBI since that time. Our case is yet another abusive case against pro-lifers, while many more attacks against pro-life pregnancy centers go uninvestigated.¹⁰ I will limit myself to pointing out a few ideological statements of the members and contributors of that task force that seem to show they were operating beyond the limits of their office and were potentially using their office to advance their own personal ideology.

³ Mount Juliet Press Statement from the event: <https://www.wkrn.com/video/mt-juliet-authorities-provide-update-on-trespassing-arrest/6409668/?ipid=promo-link-block1>

⁴ Exhibit 2 - Clinic Staff Written Interview: <https://app.box.com/s/fvdx0kyyln7hxrmutort36zb8ricv01q>

⁵ Exhibit 3 - Search Warrant submitted by Mark Shafer: <https://app.box.com/s/qv8ye7co0ggqfg5behk0ht4xtnd7bb1sw>

⁶ See Exhibit 4 - <https://www.linkedin.com/in/mark-shafer-690420220/>

⁷ See Exhibit 4 - <https://www.lipscomb.edu/news/26-year-fbi-veteran-mark-shafer-appointed-lipscomb-university-campus-security-chief>

⁸ AG Statement on SCOTUS Ruling in Dobbs v. Jackson. <https://www.justice.gov/opa/pr/attorney-general-merrick-b-garland-statement-supreme-court-ruling-dobbs-v-jackson-women-s>

⁹ Formation of the Reproductive Health Task Force: <https://www.justice.gov/opa/pr/justice-department-announces-reproductive-rights-task-force>

¹⁰ First Liberty Statement from Part 1 of this Hearing: https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/dys_testimony_0.pdf

Sanjay Patel

First, the primary legal theory used in these FACE cases to persecute and lockup Pro-life Christians, was first published by Sanjay Patel, a trial attorney in the Civil Rights Division's Criminal Section.¹¹ He put forth the idea that an old KKK Law could be used in conjunction with the FACE Act to take what the US Congress determined should be a misdemeanor with a maximum of 6 months in prison and turn it into a Felony with a maximum of a 10 year Prison sentence. The following statement from his article was originally posted in the DOJ Journal of Federal Law and Practice in March of 2022.¹² To make the prejudice clear, there is only an "advantage" when trying to charge someone if you are no longer seeking justice, but a specific outcome that suits your ideology. Emphasis added below.

*"Therefore, an agreement by two or more persons to injure, oppress, threaten, or intimidate anyone who is seeking, obtaining, or providing reproductive health services is a cognizable violation of section 241. **There are three advantages** to charging a section 241 conspiracy when the evidence supports it. First, unlike a section 371 conspiracy, a section 241 conspiracy conviction is always a felony, even when the underlying substantive violation would be a misdemeanor. Second, section 241 violations are punishable by up to 10 years' imprisonment; or up to life or the death penalty, if certain aggravators apply. And third, under section 241, the government is not required to prove an overt act or substantial step in furtherance of the agreement."*

As bad a law as the FACE Act is, it would seem the section 241 conspiracy should be re-visited by Congress as well. Apparently, you don't have to commit an "overt act" or "do anything to further the conspiracy", you simply have to be ideologically aligned with those who do. This sounds much more like Russia or Germany than the freedom loving country America is supposed to be.

Kristen Clarke

Pointing out the inconsistencies of a person like Kristen Clarke is like pointing out a grizzly bear to someone who is in the tree above it. They are obvious, and the potential for harm is self-evident if you are a Pro-life Christian. Ms. Clarke has never pretended to be even handed on the topic of abortion or for conservatives in general. She has labeled pro-life resource centers as fake clinics, called a pro-life legal firm a hate group, and attacked pro-life legislation.¹³

Kristen Clarke is someone who has a violent past which she attempted to conceal during her confirmation process.¹⁴ The idea that her name is on the indictments against a group of peaceful people who have repeatedly volunteered thousands of hours standing outside America's abortion clinics to stop violence is one of the most egregious aspects of this trial.¹⁵

There seems to be a discernable prejudice in Ms. Clarke positions, which seem to have motivated the attacks against me and other pro-life Christians. If that is true, the FACE Act was the vehicle for those apparent prejudices to be applied. If it is not true, then the FACE Act is still being unjustly applied to one group and not another for some other unexplainable reason.

¹¹ Exhibit 5 - FACE Off with Anti-Abortion Extremism: <https://app.box.com/s/sh99mvpcq91lqlwixq7fg271otctpm5t>

¹² DOJ Journal of Federal Law and Practice <https://www.justice.gov/usao/page/file/1492851/dl>

¹³ Exhibit 6 - X posting collections from Kristen Clarke: <https://app.box.com/s/a9dczksb5o060xroa6ugwpt8f0uro8i2>

¹⁴ Exhibit 7 - A3P Criminal Referral for Kristen Clarke: <https://app.box.com/s/c7sdkuzxqx5pjznbfp14xcdqg7vxu8e4>

¹⁵ Exhibit 8 – Indictment by Kristine Clarke: <https://app.box.com/s/d6ucsfnaeww1do3q0np0zd0dpy1b5078>

Kamala Harris

If The Reproductive Rights Task Force was going to be equal to both sides of the reproductive health debate, we might expect there to be equal representation on the task force itself. But sadly, there is not one pro-life person who was tasked with the job. There is no representation of the Crisis Pregnancy Centers or someone who speaks on behalf of unborn children. Vice President Harris, who oversees the Reproductive Rights Task Force, is one of the most pro-abortion politicians in American politics and even if there were some pro-life members on the Committee, she would greatly tilt the scale in the pro-abortion favor.^{16 17}

It is important to note, that while Vice President Harris was meeting with the Reproductive Rights Task Force on October 4th, 2022, talking about “these attacks on women”.¹⁸ They were not referencing physical attacks, but they were referencing laws that were being passed and the overturn of Roe v. Wade. But on the very same day the VP was having this discussion, the physical violent attack on my house was being planned for the following morning. We are often wrongly accused of violence, but the FBI at the behest of the task force used physical violence against me, my wife, and my children as already noted above. I heard this very subcommittee members talk about denouncing violence in all forms in Part 1 of this hearing. I want to challenge those members to denounce the violence that happened to me and my children as well. We have a remedy at law when violence is perpetrated by civilians against other civilians, but we have little recourse when violence is committed against civilians by the government they pay to serve and protect them.

It is also important to note that while there is ample federal guidance on dealing with children in a situation where an arrest is anticipated, the task force had no concern for my children and failed to follow the guidance so readily available to them.¹⁹

The phrase we have heard often through all of this, is “The process is the punishment”. We would like to continue to believe in the good faith of our government and think the best of all involved. But when something so egregious happens to you and to those you love it is very difficult. You like to think that perhaps it was just ignorance, or they didn’t realize the impact this mistake was going to have on your family. But then you find a quote like this from when Kamala Harris was a presidential candidate, and you realize the FACE Act in the hands of evil people is a weapon of destruction that must be neutralized.

“I learned, I think I was, I don’t know, twenty-two when I started that work, I learned that with the swipe of my pen I could charge someone with the lowest level offense. And because of the swipe of my pen, that person could be arrested, they could sit in jail for at least forty-eight hours, they could lose time from work and their family, maybe lose their job, they’d have to come out of their own pocket to help hire a lawyer, they’d lose standing in your community, all because of the swipe of my pen. Weeks later I could dismiss the charges, but their life would forever be changed. So I learned at a very young age the power...”²⁰

¹⁶ Kamala Harris Abortion Position: <https://www.marieclaire.com/politics/a33623181/kamala-harris-stance-on-abortion/>

¹⁷ Kamala Harris Abortion Position: https://www.ontheissues.org/2020/Kamala_Harris_Abortion.htm

¹⁸ Reproductive Task Force Meeting 10/4/2022: <https://vimeo.com/757657924>

¹⁹ Safeguarding Children of Arrested Parents: <https://bja.ojp.gov/sites/g/files/xyckuh186/files/Publications/IACP-SafeguardingChildren.pdf>

²⁰ Kamala Harris Swipe of my pen statement: https://archive.org/details/CSPAN_20190909_082900_Campaign_2020_Sen._Kamala_Harris_at_Portsouth_NH_Democrats_Dinner/start/1180/end/1250

The Trial – The Process is the Punishment

Given all that is documented above it is unfathomable that a sitting federal judge would allow this case to be brought against anyone on either side of the abortion issue. But again, if the judge is an ideological ally with those bringing the case, is there really hope for justice? The fact that the judge allowed the trial to proceed when the DOJ advertised, they were going to reapply a law meant for murderous attacks on African Americans in the 1800's to peaceful pro-lifers says volumes about our courts.

By applying the conspiracy law to the FACE Act my individual rights were abridged. Every statement by everyone in the supposed conspiracy applied to me regardless of my knowledge about the statements or if I was even present when they were made. The purpose was to take people who agree ideologically and deny them the right to due process based on their beliefs rather than their actions. The punishment has already been meted out by the process and there can be no restitution that will ever make amends for the injustice this administration has inflicted upon its people.

It has been over 2 years of federal parole monitoring either presentence or parole, 20 months of having a potential decade in prison hanging over our head, stressful weeks in the actual trial, enduring lies and half-truths for the sake of winning a case and not for seeking justice, pre-sentencing monitoring, sentencing 6 months after the guilty verdict, government agents inspecting our home, calling my home making sure I'm obeying their rules, giving up our rights as a US citizen, 6 months of house arrest. All of this while trying to maintain a business and some sort of normal life for my children who have been terrorized by their own government. All of this – process is the punishment, and I was one that did not get jail time. There are those who are in jail and are still awaiting an appeals court to review this new and novel application of the combination of the FACE Act and the conspiracy statute. Where is this land of the free, I was told of in my civics classes?

I don't come here today demanding justice or vengeance for the injustice that has been done. I trust that God will handle that better than any of us in this room. But I do come here to declare that we have a national character crisis. As a nation we must come together.

Human Life equals Human Rights

This simple monicker applies to multifaceted parts of our national life and character and very specifically to our case that brings us before this body today.

Our case is about both the simple small innocent humans in the womb and well-developed humans who are targets of the actual civil rights division of our government. As a nation, the way we treat the small helpless unborn humans is how we are going to treat the mature grown-up humans who are our political opposition. This battle over human life has been going on for a long time.²¹ I would ask this body to please review and repeal the FACE Act as bad legislation that serves no fundamental purpose in our nation post Roe v. Wade. But more importantly, I would ask each of us, in this committee meeting, and across our land to review our own hearts as it relates to the weak and helpless humans among us. The path forward is to first think of them as humans, and secondly to treat them the way we want to be treated during our lifetime. It is a pretty basic concept; we used to call it the golden rule. Perhaps the path forward for our nation is as simple as that: treat others the way you want to be treated.

²¹ Exhibit 9 FACE Act flyer from 1993: <https://app.box.com/s/x4vsmcmluz4qnv7birq9vwddfdopg2d>

Others impacted by the Reproductive Task Force anti pro-life “enforcement agenda”

Six Serve House Arrest and extended periods of parole

In addition to myself there are 6 others who are serving or completed serving their house arrest sentence and are facing 3 years as political slaves to the justice department. Those are: Paulette Harlow, Coleman Boyd, Paul Place, James Zastrow, Eva Zastrow, and Dennis Green.

13 are serving or have served prison time and will face extended periods of parole

Lauren Handy, 29, is serving a 57-month sentence in FCI Tallahassee, a prison in Florida where Jeffrey Epstein’s cohort Ghislaine Maxwell is also housed. Handy’s projected release date is August 2027. Her charges stemmed from her participation in a “rescue” in 2020 in Washington, D.C.

Herb Geraghty, 26, is serving a 27-month sentence in FDC Philadelphia, a prison in Pennsylvania, for participating in the same D.C. rescue as Handy.

Heather Idoni, 62, is serving a 24-month sentence at the Sanilac County Sheriff’s jail, but is also awaiting sentencing in a separate Michigan case and in a Tennessee case, all brought by the Biden Justice Department.

Jean Marshall, 74, is serving a 24-month sentence in FCI Danbury, a Connecticut prison where Steven Bannon was formerly imprisoned by the Biden Justice Department for the same 2020 Washington, D.C. incident. Her projected release date is March 2025.

Joan Bell, 75, is serving a 27-month sentence in FDC Philadelphia, also for her participation in the D.C. rescue. Her projected release date is June 2025.

Jonathan Darnel, 42, is serving a 34-month sentence in FCI Thomson, an Illinois prison, with a projected release date of February 2026. Darnel was also imprisoned over the 2020 rescue in Washington, D.C.

William Goodman, 53, is serving a 27-month sentence in FCI Danbury, with a projected release date of July 2025, also as a consequence of the 2020 D.C. rescue.

John Hinshaw, 68, is imprisoned in FMC Devens in Massachusetts, where he will be until his projected release date of February 2025. He also was part of the 2020 rescue.

Calvin Zastrow, 63, is serving six months in FCI Thomson, with a projected release date of February 2025, and then 3 years of supervised release. He also was part of the 2020 rescue.

Bevelyn Williams, 33, is serving 41 months in FCI Aliceville, a prison in Alabama, with a projected release date of September 2027.

Three others have already served jail time and have been released: Fr. Fidelis Moscinski, a Catholic priest, Jay Smith, and Steven LeFamine.

4 additional defendants are awaiting sentencing

Chester Gallagher, Eva Edl who is a concentration camp survivor, Justin Phillips, and Joel Curry are pending sentencing or awaiting their surrender date to serve their time.

Exhibit 1

Arrest Warrant

UNITED STATES DISTRICT COURT

for the

Middle District of Tennessee

United States of America

v.

PAUL VAUGHN

Case No. 3:22-00327 Judge Campbell

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested) PAUL VAUGHN

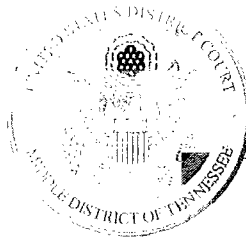
who is accused of an offense or violation based on the following document filed with the court:

- Indictment
- Superseding Indictment
- Information
- Superseding Information
- Complaint
- Probation Violation Petition
- Supervised Release Violation Petition
- Violation Notice
- Order of the Court

This offense is briefly described as follows:

Conspiracy to Obstruct Access to a Clinic Providing Reproductive Health Services, in violation of 18 USC 241, 248

Date: 10/03/2022



Dalaina Thompson
Issuing officer's signature

City and state: Nashville, TN

Dalaina Thompson, Case Administrator
Printed name and title

Return

This warrant was received on (date) 10/04/2022, and the person was arrested on (date) 10/05/2022
at (city and state) LEWISVILLE, TN

Date: 10/05/2022

Sterling C. Wall Jr.
Arresting officer's signature

STERLING C. WALL JR. SPECIAL AGENT, FBI
Printed name and title

Exhibit 2

An account of 3/3/21's incidents:

I, [REDACTED] Manager of Health Services, was the first to arrive on 3/3 at approximately 7:10 am. Nothing seemed out of the ordinary. I noticed some vans in the parking lot. I thought they were for construction or maintenance.

At approximately 7:45 am, [REDACTED] came in and notified me that there were a lot of extra people in the building, specifically the stairwell and the hallway outside of our suite. I said that they must be here working on the building, but they said the crowd was people of all ages and that they were filling the stairwell, but let him through easily and said "oh, don't worry about us." They got in the suite easily.

At approximately 7:47 am, [REDACTED] entered the suite as [REDACTED] and I were discussing what happened. She said there is a group of protesters in our hallway and one followed her from the elevator to our door and repeatedly asked if she was going to the abortion clinic, getting really close to her face. She didn't respond and came in.

I immediately called our building security man [REDACTED]. He didn't answer, so I called MJ PD at approximately 7:48 am. I alerted them that a large group of people had filled our stairwell and hallway.

During this time, [REDACTED] came in, said she was nearly blocked from getting in, but made it through the doors. She set her stuff down and said something similar, there were people in the hallway and she wanted to get a video of them, so she immediately left. I was on the phone and didn't have a chance to respond to her leaving. She texted at approximately 7:52 that she cannot get back in. I texted her to leave the building and asked [REDACTED] to pick her up and take her away from the building since she didn't have her purse or anything. [REDACTED] was on the group message and was told not to come into the building due to the protesters. They drove across The street to the Hampton Inn parking lot. [REDACTED] sent us the video she took- attached below. In the video she sent, there is a client being harassed by the protesters. [REDACTED] was able to escort her away from them and out of the building safely.

[REDACTED] was notified immediately after talking to the police at approximately 7:50. He gave the order that we need to lock down the clinic. No one in or out.

[REDACTED] and I were in the clinic for the next approximately 2.5 hours updating [REDACTED] and [REDACTED] on developments. We could see in the security camera that nothing was changing. [REDACTED] took a voice recording of the protesters outside. They could hear them under the door. That is also attached.

During the time we were inside, we received links to live feeds of the protesters and posing from the MJ PT's Facebook page.

We never were able to hear the police outside in the hallway but wanted the protesters being escorted away from the glass door and getting into the police van at approximately 10:23 am.

At approximately 10:51 am, Mark Shafer with the FACE unit FBI was escorted up by a police officer. Mr. Shafer asked us about the events of the morning, police response, and how many clients were affected. [REDACTED], and I were still the only ones here but told him about the morning, [REDACTED] and [REDACTED] walking into the protesters, [REDACTED] coming and leaving and now them being outside, we told him about the client [REDACTED] escorted out who was being harassed by the protesters. He mentioned that he wants to talk to clients who were affected if they are willing, but he understands reluctance and does not want to pressure anyone. He asked about police responses in the past. Discussed that they seem very buddy with the protesters and we feel that they do not take our concerns seriously, At that time, what appears to be a new group of protesters were outside on bullhorns being so loud we could hear them from inside my office. I pointed it out to Mr. Shafer. There were still cops in the parking lot and nothing was being done to make the protesters obey the noise ordinance. At one point in the morning, we heard the protesters say that they were not going to leave until the chief of police got there because he is a pastor. Mr. Schafer told us he was looking at this from three angles at this point. One, a client access issue, two, a pattern of the MJPD not treating carafem like any other business in Mount Juliet, and three, a possible bias in the MJPD due to the chief being a pastor whether implicit or explicit. He spoke with a client who was harassed by the protesters and waited for an appointment. She came at approximately 11:00 am.

[REDACTED] and [REDACTED] returned to the clinic at approximately 10:55 am. We finished the afternoon of seeing clients.

The Building Manager, [REDACTED] checked on us around 1:00 pm. She expressed concern for our safety and advised us that she would have security 24 hours over the weekend.

We left the clinic around 3:15 pm as a group.

Saturday 3/4/21, two police officers came to question me about the activity at approximately 8:30 am. They asked me for my birthdate and phone number. They asked me "who could trespass people" if it was building management or if I could do it. I told them that I can ask people to leave and if they do not, I can call the police, but I wasn't sure really what their question was. They told me that they needed to see if the building was "ok" with protesters inside. They said they know we are not and they are not, but they need the people that are in charge to also say they are not. They left after approximately 5 minutes. [REDACTED] took a video of the last part of the conversation.

All videos and pictures are being emailed to you. Anything that others sent, I will forward to you as well, links to live streams/ Facebook posts.

Exhibit 3

286A-ME-3402254 Serial 30

- 1 of 1 -

FD-302 (Rev. 5-8-10)

FEDERAL BUREAU OF INVESTIGATION

Date of entry 02/25/2022

A search warrant was issued in the United States District Court for the Middle District of Tennessee by Judge Frensky on February 23, 2022. The search warrant requests information from Google, LLC for specific information associated with two accounts, which are identified as wearerescuers@gmail.com and chetgallagher@gmail.com. A copy of the warrant is included in the investigative file as an attachment.

The search warrant was served on February 25, 2022 by SA Mark Shafer to Google, LLC on their law enforcement portal, lers.google.com. After submitting the warrant, SA Shafer received a confirmation from Google, LLC and tracking number 12370439.

Investigation on 02/25/2022 at Nashville, Tennessee, United States (Email)

File # 286A-ME-3402254 Date drafted 02/25/2022

by Mark Shafer


This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

U.S. v. Gallagher, et al. 000190

Exhibit 4

Mark Shafer – SAIC for Raid on my house on Oct 5, 2022. Promoted to Office of Congressional Affairs Nov 2022.

<https://www.linkedin.com/in/mark-shafer-690420220/>





Mark Shafer · 3rd

Nashville, Tennessee, United States · [Contact info](#)

57 connections

[Connect](#) [More](#)

 Federal Bureau of Investigation (FBI)

 Brown University


Activity

57 followers

Mark hasn't posted yet
Recent posts Mark shares will be displayed here.

[Show all activity →](#)

Experience

 **Federal Bureau of Investigation (FBI)**
Full-time · 27 yrs

- **Supervisory Special Agent**
Nov 2022 - Present · 2 yrs 2 mos
Office of Congressional Affairs
- **Special Agent**
Jan 1998 - Nov 2022 · 24 yrs 11 mos

26-year FBI veteran Mark Shafer appointed Lipscomb University campus security chief

Kim Chaudoin | 08/12/2024

<https://www.lipscomb.edu/news/26-year-fbi-veteran-mark-shafer-appointed-lipscomb-university-campus-security-chief>



Federal Bureau of Investigation Special Agent **Mark Shafer** has been appointed Lipscomb University's chief of campus security.

Later this month, Shafer will retire from the FBI after a 26-year career. He will begin his work with Lipscomb on Sept. 8.

“The safety and security of our students and the entire Lipscomb community is a top priority,” said **Lipscomb President Candice McQueen**. “His expertise in multiple facets of security, identifying and mitigating risk, and proactive response planning and execution of complex security initiatives along with his commitment to Lipscomb’s mission make Mark uniquely qualified to lead this office and will help us continue to expand our focus on this vitally important aspect of our community.”

Shafer began his FBI career in 1998 in the Miami field office, where he served as a special agent. During his tenure with the bureau, he was promoted to Supervisory Special Agent in the Counterterrorism Division at FBI headquarters in Washington, D.C., and was later assigned as a special agent to the Nashville Division, Nashville Resident Agency, a role that he held for 15 years. Following that assignment, Shafer served as a Supervisory Special Agent in the Office of Congressional Affairs in Washington, D.C. In this role, he served as a liaison to Congress, particularly to the Senate Judiciary Committee, which has direct oversight of FBI operations. Shafer succeeds **Jeff Dale**, who left his post at Lipscomb this summer as he was appointed executive director of the new Multi-Agency Law Enforcement Training Academy envisioned by Tennessee Gov. Bill Lee.



“It is an honor to join the Lipscomb community in this capacity, and I am drawn to it because of its Christ-centered mission and the impact it has on the lives of its students,” said Shafer. “I am eager to join the team of dedicated security professionals already engaged in this great responsibility and to continue the great work of my predecessor. I look forward to drawing upon my law enforcement training and collaborating with the faculty, staff, students and parents as we focus on our service-oriented mission to safeguard the Lipscomb community.”

Shafer holds a Bachelor of Arts degree from Brown University and a Juris Doctorate from the University of Miami School of Law. He is an active member of the Tennessee Bar Association and is a Certified Legal Advisor for the FBI.

Exhibit 5

FACE Off with Anti-Abortion Extremism—Criminal Enforcement of 18 U.S.C. § 248 (FACE Act)

Sanjay Patel
Trial Attorney
Civil Rights Division
Criminal Section

I. Introduction

On October 23, 1998, at approximately 10:00 p.m., Dr. Barnett Slepian was killed as he stood with his family in the kitchen of his home. He was shot by a sniper who fired a single gunshot from a distant wooded area. The bullet entered the home through a rear window. Dr. Slepian died as his wife and children tried to stem the flow of blood until help arrived. Dr. Slepian was an obstetrician-gynecologist who provided reproductive healthcare services, including abortions, at a local clinic in Buffalo, New York.¹

The sniper—James Kopp—had carefully prepared to commit this act of violence for over a year. Kopp was an anti-abortion extremist who spent substantial time choosing his victim, planning the attack, and orchestrating an exit strategy. Aided by two cohorts who shared his militant anti-abortion views, Kopp fled the country immediately after he murdered Dr. Slepian. A massive international manhunt ensued, and federal investigators were able to determine Kopp's whereabouts as they tracked his movements through Europe. Finally, on March 29, 2001, Kopp was arrested in France.²

Kopp was charged with a Freedom of Access to Clinic Entrances (FACE) Act offense for killing Dr. Slepian. Kopp had admitted shooting Dr. Slepian, and investigators uncovered evidence that proved the killing was motivated by Kopp's extreme anti-abortion views. Kopp stated that he did not regret shooting Dr. Slepian.

¹ See Liam Stack, *A Brief History of Deadly Attacks on Abortion Providers*, N.Y. TIMES (Nov. 29, 2015), <https://www.nytimes.com/interactive/2015/11/29/us/30abortion-clinic-violence.html>

² See *Id.*

Kopp was convicted after a jury trial of violating the FACE Act for killing Dr. Slepian and was sentenced to life imprisonment.³

The murder of Dr. Slepian is a high-profile example of a FACE Act crime. A FACE Act offense is a crime that is motivated by the victim exercising the right to obtain or provide reproductive healthcare. A perpetrator's intentional use of force, threat of force, or a physical obstruction when a victim is exercising this right with the purpose of injuring, intimidating, or interfering is what makes the conduct a federal offense. Victimization is not limited to the person who was directly impacted by the offender's conduct. The FACE Act also criminalizes damage or destruction of property belonging to a reproductive healthcare facility.

This article provides an overview of the FACE Act and its elements, case examples to demonstrate the law's scope and limitations, suggestions for other federal criminal statutes that can be used in these cases, and a discussion on collaborations with federal partners that are necessary for successful enforcement and victim protection.

II. Historical background

Following *Roe v. Wade*,⁴ the 1973 landmark Supreme Court decision that recognized a woman's constitutional right to seek an abortion, anti-abortion activists launched efforts to deter patients and providers from seeking, obtaining, and providing abortions. Although much of this activity constituted legal forms of protest protected by the First Amendment, the number of illegal blockades and incidents of violence also rose steadily through the 1970s and 1980s. Tactics included bombing and burning clinic buildings, butyric acid attacks, anthrax threats, and assaults on and kidnappings of individuals employed in reproductive healthcare clinics.

In the 1990s, extremist activity escalated dramatically, particularly by those aligned with extremist groups who believed that the murder of reproductive healthcare providers was defensible as "justifiable

³ See Government's Trial Memorandum, *United States v. Kopp (Kopp I)*, No. 00-cr-189 (W.D.N.Y. Apr. 11, 2005), ECF No. 230; Government's Sentencing Memorandum, *Kopp I*, No. 00-cr-189, ECF No. 327; see also *United States v. Kopp (Kopp II)*, 562 F.3d 141 (2d Cir. 2009); Report and Recommendation, *Kopp I*, No. 00-cr-189, ECF No. 145; *Kopp v. Fischer (Kopp III)*, 811 F.Supp.2d 696 (W.D.N.Y. 2011).

⁴ 410 U.S. 113 (1973).

homicide.”⁵ In March 1993, the first murder of a doctor in the United States by an anti-abortion extremist occurred when a doctor was fatally shot during a protest at his clinic in Florida.⁶ In August of 1993, a doctor survived being shot outside of an abortion facility in Kansas.⁷ In July of 1994, a doctor and a clinic escort were fatally shot in Florida; the doctor’s wife was also shot, but she survived.⁸ In December of 1994, two receptionists at a reproductive care clinic in Massachusetts were fatally shot and five others were wounded.⁹ In total, there have been 11 murders and 26 attempted murders from anti-abortion violence since 1993.¹⁰

Against this backdrop of escalating violence targeting reproductive healthcare providers and facilities, Congress enacted the FACE Act in 1994 to create federal penalties for anti-abortion-related violence, threats of violence, and physical obstruction. Additionally, in 1998, two weeks after the shooting death of Dr. Slepian, the Department of Justice created the National Task Force on Violence Against Reproductive Health Care Providers to coordinate federal law enforcement efforts in the investigation and prosecution of anti-abortion violence.¹¹

III. 18 U.S.C. § 248—The FACE Act

A. Overview

The FACE Act¹² was enacted to protect reproductive healthcare patients and providers from violence and obstructive tactics being used to interfere with access to reproductive healthcare services,

⁵ *Stack*, *supra* note 1.

⁶ *Id.*

⁷ *Id.* That same doctor was fatally shot at his church by an anti-abortion extremist in 2009. *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *National Task Force on Violence Against Reproductive Health Care Providers*, DEP’T OF JUST., [https://www.justice.gov/crt/national-task-force-violence-against-reproductive-health-care-providers#:~:text=and%20clinics%20nationwide.,National%20Task%20Force%20on%20Violence%20Against%20Reproductive%20Health%20Care%20Providers,1998%2C%20shooting%20death%20of%20Dr.\(updated Sept. 17, 2021\)](https://www.justice.gov/crt/national-task-force-violence-against-reproductive-health-care-providers#:~:text=and%20clinics%20nationwide.,National%20Task%20Force%20on%20Violence%20Against%20Reproductive%20Health%20Care%20Providers,1998%2C%20shooting%20death%20of%20Dr.(updated%20Sept.%2017,%202021).).

¹² Freedom of Access to Clinic Entrances Act of 1994, 18 U.S.C. § 248.

including abortions.¹³ It established federal criminal penalties and civil remedies for using force, threats of force, or physical obstruction—or attempting to do so—to injure, intimidate, or interfere with any person because that person is seeking to obtain or provide reproductive health services.¹⁴ The statute also provides penalties for damaging or destroying—or attempting to damage or destroy—the property of a reproductive health clinic.¹⁵

The FACE Act protects persons seeking or providing any type of reproductive health care, including gynecological examinations, breast cancer screenings, infertility treatments, prenatal care, pregnancy counseling services, and abortion services. It also protects the property of facilities that provide reproductive health services. Accordingly, the FACE Act is content neutral because it also protects facilities counseling alternatives to abortion.¹⁶ Nevertheless, since the statute’s enactment in 1994, various organizations and individuals have unsuccessfully challenged the constitutionality of the FACE Act’s restrictions on their anti-abortion efforts. The primary thrust of these challenges is that the statute violates free speech and free exercise rights. Because the plain language of the statute is content neutral,

¹³ See S. REP. NO. 103-117, at 3 (1993); *see also* *United States v. Dinwiddie*, 76 F.3d 913, 919 (8th Cir. 1996) (The “FACE Act’s protection of [reproductive health care facilities] and [their] staff and patients is a valid exercise of Congress’s power to protect people and businesses involved in interstate commerce”).

¹⁴ 18 U.S.C. § 248(a)(1). Although the FACE Act also has provisions for criminal conduct that affects a victim lawfully exercising or seeking to exercise the First Amendment right of religious freedom at a place of religious worship, 18 U.S.C. § 248(a)(2), or damages/destroys the property of a place of religious worship, 18 U.S.C. § 248(a)(3), such incidents are better addressed by using 18 U.S.C. § 247, which includes an interstate commerce jurisdictional hook to ensure its constitutionality.

¹⁵ 18 U.S.C. § 248(a)(3).

¹⁶ *See, e.g., United States v. Weslin*, 156 F.3d 292, 296–97 (2d Cir. 1998); *United States v. Wilson*, 154 F.3d 658, 663 (7th Cir. 1998) (“The Act punishes anyone who engages in the prohibited conduct, irrespective of the person’s viewpoint and does not target any message based on content. “The Access Act thus does not play favorites: it protects from violent or obstructive activity not only abortion clinics, but facilities providing pre-pregnancy and pregnancy counseling services, as well as facilities counseling alternatives to abortion.”) (citation omitted).

however, courts have routinely denied these constitutional challenges.¹⁷

Importantly, the FACE Act provides both a federal criminal and federal civil cause of action. Only the U.S. Department of Justice can prosecute a criminal FACE Act case. But more actors can file a civil FACE Act case, including the Department of Justice, state attorneys general, and private persons involved in providing or obtaining reproductive healthcare services. There are two important differences between a criminal FACE Act prosecution and a civil FACE Act suit: the burden of proof and the available remedies.

B. Elements

The elements of a criminal and civil FACE Act violation are the same. However, a criminal FACE Act prosecution requires proof beyond a reasonable doubt, whereas a civil cause of action only requires proof by preponderate evidence.

The FACE Act has two separate intent elements: first, the defendant must act with the intent to injure, intimidate, or interfere; the second requires that the defendant act because the victim was seeking, obtaining, providing, had obtained, had provided, might obtain, or might provide reproductive health services.¹⁸ Because of this dual-intent requirement, the linchpin to a successful FACE Act prosecution is motivation. Evidence showing a defendant's motivation is often gleaned from statements the defendant made before and after the offense conduct. With incidents involving online threats, it is important for investigators to have threat recipients print or save the defendant's threatening communication, including headers and footers; screenshots; and any other digital evidence with evidentiary value.

A FACE Act defendant will often admit motive during post-incident interviews. Additionally, prosecutors can uncover motivation evidence from leaflets, pamphlets, and signs that a defendant possessed at the time of the incident. Video footage, photos, and comments posted on social media accounts have also been routinely used in prosecutions to prove intent. Other less obvious sources of FACE Act intent and

¹⁷ *Weslin*, 156 F.3d at 296–97; *Wilson*, 154 F.3d at 663; see also *Dinwiddie*, 76 F.3d at 923.

¹⁸ See *Sharpe v. Conole*, 386 F.3d 482, 484 (2d Cir. 2004).

motive evidence can come from 911 calls, a witness's prior interactions with a defendant, and even a defendant's bumper stickers.

The two subsections of the FACE Act that are used to prosecute anti-abortion crimes are 18 U.S.C. § 248(a)(1), involving force, threat of force, or physical obstruction; and 18 U.S.C. § 248(a)(3), involving damage or destruction of clinic property. The FACE Act's statutory definitions for terms such as "interfere with," "intimidate," and "physical obstruction" will impact how prosecutors should assess whether conduct amounts to a FACE Act violation.¹⁹

Below is a discussion of the elements²⁰ of a FACE Act prosecution under subsections (a)(1) and (a)(3) and case examples from prosecutions by the Department of Justice.

1. Section 248(a)(1)

Under 18 U.S.C. § 248(a)(1), the prosecution must prove that the defendant (1) used force, threat of force, or physical obstruction; (2) acted with the intent to injure, intimidate, or interfere with a person; and (3) did so knowingly and because a person was, or had been, providing or obtaining reproductive health services. To make the criminal violation a felony, the prosecution must also prove (1) that the defendant's acts resulted in bodily injury or death, or (2) that the defendant has a prior conviction under 18 U.S.C. § 248(a).

Use of force

"Force" has been broadly defined as "power, violence, or pressure directed against a person or thing."²¹ As applied in FACE Act prosecutions, the term "force" is not limited to intentional acts that result in bodily injury.²² Therefore, use of force can include incidents involving kidnappings, as well as assaultive force, such as shootings and murder, so long as the "force" used was for the purpose of injuring, intimidating, or interfering (or attempting to do the same) with any person seeking or providing reproductive health services.

¹⁹ See 18 U.S.C. § 248(e).

²⁰ *E.g.*, ELEVENTH CIRCUIT PATTERN CRIMINAL JURY INSTRUCTIONS No. O10.1, O10.2 (2021); *Conole*, 386 F.3d at 484.

²¹ *Dickson v. Ashcroft*, 346 F.3d 44, 50 (2d Cir. 2003).

²² *State of New York v. Cain*, 418 F.Supp.2d 457, 473 (S.D.N.Y. 2006) ("There is no exception for fleeting and *de minimis* contact . . . (assuming, of course, that the fleeting use of force was intentional)").

The Department of Justice has criminally charged many “use of force” cases under the FACE Act. In *United States v. Kopp* (discussed above), the defendant was convicted of a death-resulting FACE Act violation and sentenced to life imprisonment after he shot and killed a doctor in his home²³ because he performed abortion procedures.²⁴

In *United States v. Dear*, the defendant was indicted in 2019 in the District of Colorado for his FACE Act crimes related to the 2015 shooting at a Planned Parenthood clinic in Colorado Springs.²⁵ The defendant in that case is alleged to have traveled to the clinic with the intent to “wage ‘war’” because the clinic offered reproductive health services. He shot at several civilians and police officers, killing three people and injuring several others.²⁶

And, in *United States v. Keiser*,²⁷ the defendant pleaded guilty to violating the FACE Act for, among other violations, physically assaulting a staff member who attempted to restrain the defendant until police arrived.²⁸

Threats of force

The FACE Act also criminalizes threats. The FACE Act’s proscription on “threats of force” is limited to “true threats” that “place a person in reasonable apprehension of bodily injury” and, thus, are not protected by the First Amendment.²⁹

To establish a true threat, the prosecution must show that a defendant transmitted the communication “for the purpose of issuing a threat, or with knowledge that the communication will be viewed as

²³ FACE Act offenses—whether involving the use of force, threat of force, or physical obstruction—are not limited to occurrences on reproductive healthcare facility grounds (that is, within a facility or in the facility parking lot); *see also, e.g.*, *United States v. Soderna*, 82 F.3d 1370, 1375 (7th Cir. 1996) (“A group of demonstrators could not insist upon the right to cordon off a street . . . and allow no one to pass who did not agree to listen to their exhortations.”).

²⁴ *Kopp II*, 562 F.3d at 144.

²⁵ No. 19-cr-506 (D. Co Sept. 16, 2021).

²⁶ *Id.*

²⁷ No. 08-cr-04035 (W.D. Mo. Feb. 23, 2010).

²⁸ *See* Information, *Keiser*, No. 08-cr-0435, ECF No. 1.

²⁹ “Threats of force” prosecuted under the FACE Act are often also chargeable under other federal statutes.

a threat.”³⁰ Threats of force are not limited to written or spoken words; the communication can be nonverbal.³¹

The Department of Justice has brought numerous FACE Act cases involving threats of force. In *United States v. Hart*, for example, the defendant was found guilty of violating the FACE Act for parking Ryder rental trucks at the entrances of two Little Rock, Arkansas, area abortion clinics in 1997.³² The placement of the trucks coincided with a visit to Little Rock from then-President Clinton and was approximately two years after the well-known events of the Oklahoma City bombing, which involved a Ryder truck packed with explosives.³³ Combined with other evidence, these circumstances were reasonably interpreted as a threat to injure, and a jury convicted the defendant of violating the FACE Act for the threatened use of force.³⁴

In *United States v. Waagner*,³⁵ a defendant was convicted on multiple FACE Act counts and other federal offenses for threatening employees of reproductive healthcare clinics with a biological agent. The defendant first posted a death threat on the extremist “Army of God” website, stating that he was going to escalate the war on abortionists. The defendant subsequently sent hundreds of letters to abortion clinics throughout the United States that contained an unidentified powder purported to be anthrax, which were sent on the heels of other letters he mailed to Florida, Washington, D.C., and New Jersey that contained anthrax spores. Although none of the letters sent to the clinics actually contained anthrax, the associated costs were enormous, including disruptions to clinic operations, the use of expansive law enforcement resources, and meticulous decontamination procedures for clinic staff, patients, mail carriers, etc.

Private parties have also filed civil FACE Act suits for the threatened use of force. For example, in *Planned Parenthood of*

³⁰ *Elonis v. United States*, 575 U.S. 723, 739–41 (2015).

³¹ For a detailed discussion about prosecuting “true threats,” including suggestions on how to question subjects to elicit useful statements regarding their intent and other federal statutes that can be charged, please see Kathryn E. Gilbert, *Prosecuting Hate Crime Threats*, 70 DOJ J. FED. L. & PRAC. no. 2, 2022, at 239.

³² 212 F.3d 1067 (8th Cir. 2000).

³³ *Id.* at 1072.

³⁴ *Id.*

³⁵ No. 02-cr-582 (E.D. Pa July 22, 2005).

Columbia/Willamette, Inc. v. American Coalition of Life Activists, which was a FACE Act case brought by Planned Parenthood under 18 U.S.C. § 248(c)(1)(A), the defendants were found to have violated the statute by targeting abortion physicians with threats on a series of posters.³⁶ The posters identified the physicians by photographs, names, and addresses, along with the captions “the Deadly Dozen,” “GUILTY,” and the “Nuremberg Files.”³⁷ The posters were circulated in the wake of a series of “WANTED” and “unWANTED” posters that identified other doctors who performed abortions before they were murdered.³⁸ After an appeal, the Ninth Circuit held that, although the posters did not contain an explicit threat on their face, with context, the defendants were aware that the posters would be interpreted as a serious threat of death or bodily harm by the named abortion physicians.³⁹

Physical obstruction

To prove a defendant used a physical obstruction in violation of the FACE Act, the evidence must establish that the obstructive act rendered passage to or from the facility “unreasonably difficult.”⁴⁰ Courts have taken a broad view of what constitutes a physical obstruction, and the prosecution need not prove that the obstruction rendered access to the facility impassable.⁴¹ Nevertheless, it is important to note that the statute does require some type of physical obstruction.⁴² Merely making the approach to health facilities “unpleasant and even emotionally difficult does not” constitute physical obstruction.⁴³

Courts have held that the following acts of physical obstruction are sufficient to establish a FACE Act violation: obstructing or slowing access to driveways or parking lots; standing in front of pedestrians as they try to enter a clinic; blocking clinic doors by standing directly in

³⁶ 290 F.3d 1058, 1062 (9th Cir. 2002).

³⁷ *Id.*

³⁸ *Id.* at 1063–64.

³⁹ *Id.* at 1079.

⁴⁰ *United States v. Mahoney*, 247 F.3d 279, 284 (D.C. Cir. 2001).

⁴¹ *Id.*

⁴² *See State of New York v. Operation Rescue Nat’l*, 273 F.3d 184, 195 (2d. Cir. 2001) (criticizing “constructive obstruction” as “an uncertain and potentially slippery concept”).

⁴³ *Id.* at 195–196.

front of them; blocking patients inside automobiles by standing close to car doors; and participating in a demonstration so close to a clinic entrance that patients are compelled to use an alternate entrance.⁴⁴

In *United States v. Soderna*, the Department of Justice convicted six defendants under the FACE Act for creating a physical obstruction by blocking the entrances to a Milwaukee abortion clinic using a disabled automobile, a large drum filled with concrete and steel, and their bodies.⁴⁵ Although the defendants' conduct was nonviolent, it violated the FACE Act because it physically impeded entry to the facility.⁴⁶

Similarly, in *United States v. Dugan*, a defendant was convicted of violating the FACE Act for kneeling in front of a New York City Planned Parenthood clinic door, blocking the entrance, and refusing to move.⁴⁷ Coupled with statements that the defendant made indicating that it was his duty to "interven[e] against the slaughter of our unborn citizens," the evidence established that his blockade was to prevent access to the facility.⁴⁸

"Providers" of reproductive health services

Victims of section 248(a)(1) violations are persons seeking to obtain or provide reproductive health services. As it pertains to "providers," courts have taken a broad view of who "provides" reproductive health services, and prosecutable incidents of violence under the FACE Act are not limited to conduct directed toward medical personnel. Clinic employees, patient escorts, and volunteers are "providers" of reproductive health services for purposes of the FACE Act.⁴⁹

For example, in *United States v. Dinwiddie*, the defendant was charged with FACE Act offenses that included a count for assaulting a maintenance supervisor at a Planned Parenthood clinic with an electric bullhorn.⁵⁰ The defendant argued she did not violate the FACE Act because the victim was not "providing reproductive health services."⁵¹ In holding that the FACE Act applied to all workers at the

⁴⁴ *Id.*; *Mahoney*, 247 F.3d at 284.

⁴⁵ 82 F.3d 1370, 1373 (7th Cir. 1996).

⁴⁶ *Id.* at 1375.

⁴⁷ 450 Fed. App'x 20, 22 (2d Cir. 2011) (not precedential).

⁴⁸ *Id.*

⁴⁹ *See, e.g., United States v. Hill*, 893 F. Supp. 1034 (N.D. Fla. 1994); *Greenhut v. Hand*, 996 F. Supp. 372 (D.N.J. 1998).

⁵⁰ 76 F.3d at 926.

⁵¹ *Id.*

clinic, the Eighth Circuit reasoned that physicians who perform abortions could not do so without the facility or its workers and that “workers at an abortion clinic . . . ‘provide[]’ reproductive-health services” much like “[a] building that houses an abortion clinic ‘provides’ reproductive-health services.”⁵²

2. Section 248(a)(3)

In addition to criminalizing conduct directed toward any individuals exercising their reproductive healthcare rights, the FACE Act also prohibits damaging or destroying the property of a facility because it provides reproductive health services.⁵³

Under 18 U.S.C. § 248(a)(3), the prosecution must prove that the defendant (1) intentionally damaged or destroyed the property of a facility and (2) did so knowingly and because the facility was being used to provide reproductive health services. To make the criminal violation a felony, the prosecution must also prove (1) that the defendant’s acts resulted in bodily injury or death or (2) that the defendant had a prior conviction under section 248(a).

Criminal prosecutions brought by the Department of Justice under this provision of the FACE Act have included damage or destruction caused by fire or arson. Since 2019, the Department has brought several FACE Act cases charging defendants with causing damage to reproductive healthcare clinics for throwing Molotov cocktails at the facilities.⁵⁴

Additionally, the Department of Justice has charged acts of damage or destruction for spray-painted graffiti when the damage was motivated by the clinic’s status as a reproductive healthcare facility. In *United States v. Miller* and *United States v. Reynolds*,⁵⁵ two

⁵² *Id.*

⁵³ 18 U.S.C. § 248(a)(3).

⁵⁴ *See, e.g.*, *United States v. Kaster*, No. 19-cr-4031 (W.D. Mo. Sept. 9, 2020); *United States v. Gullick*, No. 21-cr-01 (D. Del. Feb. 11, 2021); *United States v. Little*, No. 21-cr-40 (M.D. Fla. Oct. 13, 2021). A Molotov cocktail is “[a] makeshift incendiary device for throwing by hand, consisting of a bottle or other breakable container filled with flammable liquid and with a piece of cloth, etc., as a fuse.” *Molotov*, OXFORD ENG. DICTIONARY, <https://www.oed.com/view/Entry/120965?redirectedFrom=molotov+cocktail#eid36199995> (last visited Feb. 4, 2022).

⁵⁵ *United States v. Miller*, No. 16-cr-520 (D. Md. Mar. 6, 2017); *United States v. Reynolds*, No. 16-cr-490 (D. Md. Feb. 24, 2017).

defendants were convicted of FACE Act violations for vandalizing the exterior walls of a Baltimore, Maryland, area abortion clinic with spray-painted graffiti that included the words “baby killer,” “kill baby here,” and “kill dead babby [sic].”

FACE Act convictions have been obtained even when the vandalism didn’t explicitly express an anti-abortion intent. In *United States v. Curell*,⁵⁶ the defendant broke into a Bloomington, Indiana, Planned Parenthood clinic and caused extensive damage to the clinic’s medical and computer equipment. In that case, the defendant admitted that his goal was to shut the clinic down because it provided abortion services.

The FACE Act applies regardless of what viewpoint any damage or vandalism expresses, so long as the damage or destruction caused was because the facility provides reproductive health services.⁵⁷ Subsection 248(a)(3) applies, for example, to a subject who spray paints the words “keep abortion legal” on a facility providing counseling regarding abortion alternatives, as well as to a subject who spray paints the words “death camp” on a facility providing abortion services.⁵⁸ The cost of repair or loss caused by the damage or destruction has no bearing on the penalties.

C. Penalties

1. Criminal

The circumstances of the charged conduct determine whether a criminal FACE Act charge is a misdemeanor or a felony offense. For the first offense, the available penalty is imprisonment for not more than one year, fines up to \$10,000, or both.⁵⁹ For a second offense, imprisonment of no more than three years, a fine up to \$25,000, or both may be imposed.⁶⁰ If bodily injury occurs, the statute provides for imprisonment for not more than 10 years, fines up to \$25,000, or both; and if death results, the FACE Act provides for imprisonment for any

⁵⁶ No. 14-cr-98 (S.D. Ind. July 2, 2014).

⁵⁷ 18 U.S.C. § 248(a)(3).

⁵⁸ *Riely v. Reno*, 860 F. Supp. 693, 702 (D. Ariz. 1994).

⁵⁹ 18 U.S.C. § 248(b) (For an offense involving exclusively a nonviolent physical obstruction, the available penalty is up to six months’ imprisonment for the first offense and up to 18 months’ imprisonment for any subsequent offense).

⁶⁰ *Id.*

term of years or for life.⁶¹ It is important for federal prosecutors to note that the FACE Act does not provide enhanced penalties in cases involving the use or threatened use of fire, a firearm, a dangerous weapon, or an explosive or incendiary device, although, as discussed below, there are other federal statutes that may address such conduct, depending on the underlying facts.

2. Civil

In a civil action brought by a private person involved in providing or obtaining services at a reproductive healthcare facility, the court has the authority to award appropriate relief, including temporary, preliminary, or permanent injunctive relief, and compensatory and punitive damages, as well as reasonable court fees.⁶² A private plaintiff may also elect to recover statutory damages in the amount of \$5,000 per statutory violation.⁶³ In civil actions brought by the Department of Justice or state attorneys general, the court may similarly award relief and, additionally, assess civil penalties of up to “\$10,000 for a nonviolent physical obstruction and \$15,000 for other first violations” and up to “\$15,000 for a nonviolent physical obstruction and \$25,000 for any other subsequent violation” to vindicate the public interest.⁶⁴ For example, in 2017, the Department of Justice filed a civil FACE Act suit against 10 defendants for creating a physical obstruction at a Louisville, Kentucky, area abortion clinic.⁶⁵ The case was settled, and the court awarded the United States monetary damages and temporary injunctive relief.⁶⁶ The defendants were ordered to pay damages up to \$3000, to not enter a “buffer zone” around the clinic, and to not enter the facility for up to three years.⁶⁷

⁶¹ *Id.*

⁶² 18 U.S.C. § 248(c)(1)(B).

⁶³ *Id.*

⁶⁴ 18 U.S.C. §§ 248(c)(2)(B), (3)(B).

⁶⁵ *United States v. Thomas*, No. 17-cv-432 (W.D. Ky Sept. 27, 2021).

⁶⁶ *Id.*

⁶⁷ *Id.*

IV. Other applicable federal statutes

As mentioned above, conduct that constitutes a FACE Act offense may also be chargeable under other federal statutes. Unless bodily injury or death results, the FACE Act does not have felony penalties for (1) offenses involving the use of fire, firearms, dangerous weapons, explosives, or incendiary devices or (2) offenses involving kidnapping, attempted kidnapping, or attempting to kill. Because other applicable statutes may provide stronger penalties, prosecutors should consider charging other federal offenses in addition to FACE Act violations. Some of those other applicable federal offenses include the following:

A. Conspiracy against rights—18 U.S.C. § 241

FACE Act violations are often planned and coordinated offenses that involve more than one subject. In those situations, the investigations may reveal evidence that support conspiracy charges in addition to the underlying offense. Although criminal conspiracy offenses are usually charged under 18 U.S.C. § 371, a conspiracy to commit a FACE Act offense should be charged under 18 U.S.C. § 241—conspiracy against rights. Section 241 makes it a crime for:

two or more persons . . . to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having exercised the same.⁶⁸

The right to seek civil redress under 18 U.S.C. § 248(c) establishes the right to seek, obtain, and provide reproductive health care without interference by force, threat of force, or physical obstruction.

Therefore, an agreement by two or more persons to injure, oppress, threaten, or intimidate anyone who is seeking, obtaining, or providing reproductive health services is a cognizable violation of section 241.

There are three advantages to charging a section 241 conspiracy when the evidence supports it. First, unlike a section 371 conspiracy, a section 241 conspiracy conviction is always a felony, even when the underlying substantive violation would be a misdemeanor. Second, section 241 violations are punishable by up to 10 years' imprisonment; or up to life or the death penalty, if certain aggravators apply. And

⁶⁸ 18 U.S.C. § 241.

third, under section 241, the government is not required to prove an overt act or substantial step in furtherance of the agreement.⁶⁹

B. Damage or destruction of property used in interstate commerce—18 U.S.C. § 844(i)

Section 844(i) establishes a federal criminal offense for an individual who “maliciously damages or destroys, or attempts to damage or destroy, by means of fire or an explosive, any building, vehicle, or other real or personal property used in interstate or foreign commerce.” Since many reproductive health services clinics serve patients from other states and order medical supplies from other states, clinics may constitute property used in interstate commerce. Charges under section 844(i) frequently have been brought in cases of arson or bombing of reproductive health services clinics. The charge carries a penalty of 5 to 20 years, absent physical injury, and 7 to 40 years if injury results. When death results from a violation of this statute, the offender is eligible for the federal death penalty. For example, in *United States v. Grady*,⁷⁰ the defendant was convicted of arson and a FACE Act offense for setting fire to a Planned Parenthood facility by breaking a clinic window and igniting gasoline he poured onto the floor. The defendant was sentenced to 11 years’ imprisonment.⁷¹

C. Use of fire or explosive in the commission of a felony offense—18 U.S.C. § 844(h)

Section 844(h) provides an enhanced penalty for any federal felony offense that was committed with the use of fire or an explosive. The first offense requires a 10-year sentence. A second offense under this subsection imposes a mandatory minimum 20-year sentence. These sentences must be consecutive to any other sentence and are not probation eligible. This would apply in cases involving an underlying felony FACE Act violation (that is, one that resulted in bodily injury, death, or when the defendant had a prior FACE Act conviction and committed a subsequent FACE Act offense using fire or an explosive).

⁶⁹ See, e.g., *United States v. Colvin*, 353 F.3d 569, 576 (7th Cir. 2003) (en banc) (stating that a “§ 241 does not specify an overt-act requirement”); *United States v. Whitney*, 229 F.3d 1296, 1301 (10th Cir. 2000) (same).

⁷⁰ No. 12-cr-77 (E.D. Wis. Feb. 20, 2013).

⁷¹ Judgment, *Grady*, No. 12-cr-77, ECF No. 81.

D. Use of the mail or commerce for bomb or fire threats—18 U.S.C. § 844(e)

Section 844(e) proscribes the use of the U.S. Mail, phone, or other instrument of interstate commerce to communicate a threat or to convey false information concerning a threat. Cases brought under section 844(e) often involve bomb or arson threats. This offense carries a penalty of up to 10 years' imprisonment. For example, in *United States v. Allen*, the defendant was charged with violating the FACE Act and section 844(e) for making a telephonic bomb threat to a Jacksonville, Florida, area abortion clinic.⁷² The defendant pleaded guilty to the federal offenses and was sentenced to 24 months' imprisonment.⁷³

E. Threats made by use of interstate or foreign commerce—18 U.S.C. §§ 875, 876

These statutes prohibit the use of interstate or foreign commerce—generally telephones, computers, and the mail—to convey threats to kidnap or injure another. Increased penalties apply when the threat is made with the intent to extort a “thing of value.”⁷⁴ Many FACE Act prosecutions involving threatening interstate communications have charged section 875(c) in cases involving the use of the internet or a telephone as a means to communicate the “true threat.” Violations of these statutes are felony offenses. In *United States v. Terry*,⁷⁵ the defendant was convicted of FACE Act and section 875(c) offenses for directing a threatening social media post at a St. Louis, Missouri, area Planned Parenthood clinic.⁷⁶ The defendant was sentenced to six months' imprisonment.⁷⁷

⁷² Criminal Complaint, *United States v. Allen*, No. 19-cr-186 (M.D. Fl. Sept. 23, 2019), ECF No. 1.

⁷³ The defendant pled guilty to an 18 U.S.C. § 1001 offense and a FACE Act offense. *See* Plea Agreement, *Allen*, No. 19-cr-186, ECF No. 50.

⁷⁴ 18 U.S.C. §§ 875, 876.

⁷⁵ No. 19-cr-279 (E.D. Mo. Aug. 23, 2019).

⁷⁶ Judgment, *Terry*, No. 19-cr-279, ECF No. 26.

⁷⁷ *Id.*

F. Use of weapons of mass destruction— 18 U.S.C. § 2332a

Section 2332a prohibits the use, threatened use, attempted use, or conspired use of a weapon of mass destruction, which includes toxins, biological agents, or vectors, against any person within the United States that affects interstate commerce. The term “weapon of mass destruction” is defined under this section and includes any destructive device defined under 18 U.S.C. § 921; any weapon that is designed or intended to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals, or their precursors; any weapon involving a disease organism; or any weapon that is designed to release radiation or radioactivity at a level dangerous to human life. Use or threatened use of a chemical weapon is covered under 18 U.S.C. § 229. The offender is eligible to be sentenced to any term of years, to life, or in certain cases, to death. For example, in *United States v. Evans*,⁷⁸ the defendant pleaded guilty to violating section 2332a for planting an explosive device, which did not detonate, at an Austin, Texas, area abortion clinic. The defendant was sentenced to 480 months’ imprisonment.⁷⁹

V. Collaboration with federal partners

A. The National Task Force on Violence Against Reproductive Health Care Providers

The National Task Force on Violence Against Reproductive Health Care Providers coordinates the efforts of federal authorities in the investigation and prosecution of acts of anti-abortion violence. The Task Force is led by the Assistant Attorney General for the Civil Rights Division and is comprised of prosecutors from the Civil Rights and Criminal Divisions, as well as investigators and analysts from the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and the U.S. Postal Inspection Service. The U.S. Marshall’s Service is also a key member and contributor to the Task Force, particularly because it is tasked with providing site security and protection services for reproductive healthcare providers.

In addition to federal coordination, the Task Force serves as a clearinghouse for information relating to acts of violence against

⁷⁸ No. 07-cr-98 (W.D. Tex. Oct. 25, 2007).

⁷⁹ *Judgment, Evans*, No. 07-cr-98, ECF No. 38.

abortion providers and collects and coordinates data identifying national trends related to clinic violence. The Task Force also coordinates with many non-governmental organizations (NGOs) that provide security and other services to reproductive healthcare facilities. These NGOs relationships are important to foster particularly because NGOs often provide real-time notification of potential FACE Act incidents, which can be of significant investigative importance.

The Task Force's other functions include assisting U.S. Attorneys' local working groups involved in the investigation and prosecution of clinic violence, including providing training and outreach to federal, state, and local law enforcement partners. The Task Force also provides technical assistance and outreach to local clinic personnel, designed to enhance the safety and protection of providers. Lastly, the Task Force supports federal civil investigation and litigation of abortion-related violence.

B. Required consultation with the Civil Rights Division's Criminal Section

After the 2009 murder of Dr. George Tiller—a Kansas reproductive healthcare physician—by an anti-abortion extremist, the Department of Justice sought to further coordinate the federal response to the investigation and prosecution of incidents of violence targeting reproductive healthcare providers. Today, U.S. Attorneys must

consult with the Criminal Section before making any charging decisions regarding abortion-related violations in their districts.⁸⁰ Also, if there are any legal challenges to the FACE Act, the Criminal Section must be consulted.⁸¹

⁸⁰ Many criminal activities that affect reproductive healthcare providers constitute crimes at the federal, state, and local level. Many jurisdictions have local ordinances for trespassing, disorderly conduct, and stalking, for example, that may overlap with coverage of that same conduct by the FACE Act. Because FACE Act violations implicate strong federal interests, charging decisions usually weigh in favor of federal prosecution.

⁸¹ Unlike other criminal civil rights statutes, a FACE Act prosecution does not require prior certification by the U.S. Attorney General or a designee. *See, e.g.*, 18 U.S.C. §§ 245, 247, 249.

VI. Resource

U.S. Attorneys and the Civil Rights Division share responsibility for enforcing the FACE Act. Cooperation between the two communities will ensure a vigorous enforcement program. Additional information about the Civil Rights Division and its criminal and civil FACE Act enforcement programs can be found on its website.⁸² Information about the National Task Force on Violence Against Reproductive Health Care Providers and law enforcement point-of-contact information can be found on justice.gov.⁸³

About the Author

Sanjay Patel is a trial attorney in the Civil Rights Division's Criminal Section. Mr. Patel has been with the Criminal Section since 2011 and has extensive criminal civil rights investigation and prosecution experience, which includes FACE Act prosecutions. He has also served as the Director of the Task Force on Violence Against Reproductive Health Care Providers. Before joining the Department of Justice, Mr. Patel was a local prosecutor with the Cook County, Illinois, State's Attorney's Office and section 1983 defense counsel for the City of Chicago's Law Department. Mr. Patel received his J.D. from Michigan State University in 2000.

⁸² *Civil Rights Division*, DEP'T OF JUST., <https://www.justice.gov/crt> (last visited Feb. 4, 2022).

⁸³ *National Task Force on Violence Against Reproductive Health Care Providers*, DEP'T OF JUST., <https://www.justice.gov/crt/national-task-force-violence-against-reproductive-health-care-providers> (updated Sept. 17, 2021).

Exhibit 6

Kristen Clarke

Ideologically Anti-God and Pro-Choice

From KC Twitter: Dec 10, 2018

Meet Kerri Kupec, the new head of Public Affairs at DOJ.

She works for Alliance Defending Freedom (anti-LGBTQ hate group) & grad of Jerry Falwell's law school, a fundamentalist Christian school that wants to 'remake the US in the Religious Right's image.'

twitter.com/kristenclarkejd/status/1072168061581623301

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← Tweet



Kristen Clarke 
@KristenClarkeJD

...

Meet Kerri Kupec, the new head of Public Affairs at DOJ.

She works for Alliance Defending Freedom (anti-LGBTQ hate group) & grad of Jerry Falwell's law school, a fundamentalist Christian school that wants to 'remake the US in the Religious Right's image.'



dailykos.com

New DOJ hire has Jerry Falwell-signed law degree, defende...
A top job in the Department of Justice may seem out of reach for a graduate of a bottom-tier law school, but if that botto...

10:36 AM · Dec 10, 2018

<https://twitter.com/KristenClarkeJD/status/1219973488154423298>



Kristen Clarke ✓
@KristenClarkeJD



Today marks the 47th anniversary of the Supreme Court's [#RoeWade](#) ruling.

77% of Americans don't want Roe overturned. But hostile lawmakers are passing laws that seek to turn the clock back.

We must redouble our efforts to fight for reproductive freedom and reproductive justice



7:22 AM · Jan 22, 2020

632 Retweets 30 Quote Tweets 1,293 Likes



Kristen Clarke ✓
@KristenClarkeJD



BREAKING: Missouri Senate just passed an 8 week abortion ban (24-0). No exceptions for rape or incest. Bill moves to the Senate; Governor has indicated he will sign.

A coordinated attack on Roe v Wade and women's reproductive freedom is well underway.
[#AbortionIsAWomansRight](#)



The Boston Globe ✓ @BostonGlobe · May 16, 2019

Missouri Senate passes bill to ban abortions at 8 weeks bos.gl/XuyawYK

7:30 AM · May 16, 2019

5,796 Retweets 831 Quote Tweets 7,302 Likes



Tip



Tweet your reply

Reply



Kristen Clarke ✓ @KristenClarkeJD · May 16, 2019



Replying to @KristenClarkeJD

typo: vote was 24-10. Still 24 lawmakers too many.



7

43

210



Tip

<https://twitter.com/KristenClarkeJD/status/1220005500152053760>



Kristen Clarke ✓
@KristenClarkeJD



You can find a link to the Justice Department's draconian anti-abortion brief involving Ohio's abortion ban law here.

Make no mistake, this administration is bent on gutting [#RoevWade](#).



justice.gov

Department of Justice Files Brief in Support of the Constitu...

The Department of Justice today filed a friend-of-the-court brief with the full United States Court of Appeals for the ...

9:29 AM · Jan 22, 2020

6 Retweets 2 Quote Tweets 6 Likes



<https://www.justice.gov/opa/pr/department-justice-files-brief-support-constitutionality-ohio-law-prohibiting-abortion>

“The Department of Justice today filed a friend-of-the-court brief with the full United States Court of Appeals for the Sixth Circuit, in support of the constitutionality of an Ohio law prohibiting abortion providers from performing an abortion they know is sought because of Down syndrome.”

<https://www.cruz.senate.gov/newsroom/press-releases/sen-cruz-clarke-is-completely-unfit-to-serve>



"Kristen Clarke is one of the most radical nominees ever put forward for any position in the federal government, and today Democrats have voted to give her a top position at the Department of Justice. Let me be clear: Kristen Clarke is completely unfit to serve as Assistant Attorney General for the Civil Rights Division. Not only has she made her disgust for law enforcement clear by her repeated calls to defund the police, she has a history of not only excusing, but celebrating criminals who have murdered police officers. What are police officers across the country supposed to think about Democrats elevating someone to a senior position at the Department of Justice knowing that she has celebrated a brutal cop killer?"

"The Department of Justice has a long history of being apolitical, of exercising fidelity to the law, of not using the law as a partisan weapon to target enemies of whatever administration is in power. The Obama-Biden administration corrupted that practice, and now the Biden-Harris administration is continuing that pattern. I believe appointees to the Department of Justice should have a demonstrated record of fidelity to the law, impartiality, and the ability to defend the law. Kristen Clarke does not."

Exhibit 7

A3P III THE ARTICLE III PROJECT

June 24, 2024

The Honorable Merrick Garland
Attorney General of the United States
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Re: Criminal Referral Against Kristen Clarke,
Assistant Attorney General for Civil Rights

Dear Mr. Attorney General:

More than seven weeks ago, you received serious and credible evidence that Kristen Clarke—President Biden’s and your Assistant Attorney General for Civil Rights—perjured herself at her Senate confirmation hearing back in 2021 when she lied to the Senate about her arrest for a violent domestic dispute. Unsurprisingly, given your track record of leading a politicized and weaponized Biden Justice Department that goes after political enemies and protects political friends, more than seven weeks has passed and you have done nothing publicly to address this serious matter. The Biden White House and Justice Department pretend “nobody is above the law”—while ensuring Kristen Clarke is clearly above it. Thus, I write to refer this matter for criminal prosecution.

Prior to assuming her current senior political appointment in the Biden Justice Department, Kristen Clarke, like every other nominee who requires confirmation by the United States Senate, answered a series of questions under oath in written and oral form. Kristen Clarke knowingly and willfully provided a false answer to one of these questions, which constitutes the basis for this criminal referral on two grounds: (1) a violation of Title 18, United States Code, § 1001(a)(2) (knowingly and willfully making materially false statements); and (2) a violation of Title 18, United States Code, § 1621(1) (perjury).

A news report from *The Daily Signal*¹ explains clearly how Kristen Clarke lied to Congress and perjured herself during her Senate confirmation hearing. In 2006, Kristen Clarke and her husband Reginald Avery lived in Upper Marlboro, Maryland. On the night of July 4, Kristen Clarke and Avery engaged in a vicious argument after Kristen Clarke had discovered that Avery had been unfaithful. According to Avery, Kristen Clarke attacked him with a knife and caused injuries so severe that Avery required emergency-room care. Avery claims that the injuries were so serious that his finger was cut to the bone. Prince George’s County authorities arrested Kristen Clarke on the night of the incident. *The Daily Signal* reviewed police logs and

¹ Mary Margaret Olohan, *Exclusive: DOJ’s Kristen Clarke Testified She Was Never Arrested. Court Records and Text Messages Indicate She Was*, *The Daily Signal*, April 30, 2024, available at <https://www.dailysignal.com/2024/04/30/exclusive-doj-kristen-clarke-testified-she-was-never-arrested-court-records-and-text-messages-indicate-she-was/> (last visited June 24, 2024).

A3P III THE ARTICLE III PROJECT

court records to confirm that the arrest had occurred. In January 2008, the Maryland District Court for Prince George’s County expunged the record of the arrest.

On April 21, 2021, after her testimony before the Senate Judiciary Committee, Kristen Clarke answered under oath and penalty of perjury a series of written questions from senators. Senator Tom Cotton asked the question pertinent to this referral: “Since becoming a legal adult, have you ever been arrested for or accused of committing a violent crime against any person?”²

Kristen Clarke’s response was unambiguous: “No.”

After *The Daily Signal* published its report, Kristen Clarke released a statement to CNN. In it, Kristen Clarke claimed to have been a victim of years-long domestic abuse by Avery that had traumatized her. Kristen Clarke acknowledged the arrest but asserted, “I didn’t believe during my confirmation process and I don’t believe now that I was obligated to share a fully expunged matter from my past.” Kristen Clarke also stated, “When given the option to speak about such traumatic incidents in my life, I have chosen not to.”

“[W]hoever, in any matter within the jurisdiction of the . . . legislative branch of the Government of the United States, knowingly and willfully . . . makes any materially false, fictitious, or fraudulent statement or representation, . . . shall be fined under this title, imprisoned not more than 5 years o[r] both.” 18 U.S.C. § 1001(a)(2).

Senator Cotton did not merely ask Kristen Clarke whether she ever had been arrested for a violent crime; he also asked if she had been accused of one. By any objective measure, the facts as alleged by Avery constitute a violent crime. Kristen Clarke, Avery claims, attacked him and injured him to the point that he required emergency-medical treatment for his finger, which had been cut to the bone. Even if the Prince George’s County authorities had not arrested Kristen Clarke, she still would have been required to answer affirmatively to Senator Cotton’s question. Kristen Clarke knew full well what Avery had alleged. She is a highly accomplished attorney; indeed, she is one of the most powerful figures in the Biden Justice Department. It is implausible that she does not understand that Avery’s allegations constitute an accusation of a violent crime.

Kristen Clarke’s defense in her statement to CNN—that the matter was expunged and therefore not subject to disclosure—is absurd. It is true that Maryland Code of Criminal Procedure § 10-109 prohibits employers—both private and in state government—from inquiring about expunged matters. As Kristen Clarke well should know, the State of Maryland has no authority to prohibit employers in other states from making such inquiries. The State of Maryland only has jurisdiction to prohibit employers from doing so within its borders.

² Senator Cotton: Nomination of Kristen M. Clarke to be an Assistant Attorney General of the United States Questions for the Record, April 21, 2021, *available at* <https://www.judiciary.senate.gov/imo/media/doc/Kristen%20Clarke%20Responses%20for%20the%20Record.pdf> (last visited June 24, 2024).

A3P III THE ARTICLE III PROJECT

Kristen Clarke’s case is even more clear-cut because it concerns the advice-and-consent process outlined in Article II, Section 2, Clause 2 of the United States Constitution (the Appointments Clause). Presidents submit nominees for Senate evaluation. It is imperative that the Senate is provided with accurate information in order for it to provide informed constitutional advice and consent on each nominee. Such information includes past instances of alleged misconduct by nominees. The nominee must make senators aware of such issues in order to judge fully the character and fitness of each nominee to serve in the most powerful positions of government. The laws of the State of Maryland cannot supersede the Appointments Clause. Pursuant to Article VI, Clause 2 of the United States Constitution, it—and not the laws of the State of Maryland—is the supreme law of the land.

The Senate confirmed Kristen Clarke’s nomination by a vote of 51-48 (with 1 senator not voting).³ But for Kristen Clarke’s perjury, the Senate almost certainly would not have confirmed her nomination. In other words, Kristen Clarke lied her way into one of the most senior political appointments in the Biden Justice Department—and she is getting away with it under your leadership.

There is ample evidence to support this referral for false statements and perjury. Avery has accused Kristen Clarke of a violent crime. He also has alleged that local Maryland police arrested her. Police and court records corroborate the occurrence of the arrest. Most crucially, Kristen Clarke acknowledged it in her statement to reporter Hannah Rabinowitz of CNN. Kristen Clarke answered Senator Cotton’s question under oath in a manner contrary to her admission three years later.

Kristen Clarke’s conduct is egregious. Senator Cotton asked her a straightforward question, and she willfully and knowingly gave a false answer. Kristen Clarke claims that she had an “option” not to disclose this incident. This assertion shows an utter disregard for the role of the United States Senate in evaluating the worthiness of a nominee for confirmation. Neither Kristen Clarke nor the State of Maryland is entitled to decide what information the Senate deserves to know. That prerogative lies with the Senate. Senator Cotton asked a routine question, and Kristen Clarke failed to answer it honestly.

When discussing President Trump, you have stated: “No person is above the law in this country.”⁴

³ United States Senate, Roll Call Vote #203, 117th Congress - 1st Session, May 25, 2021, *available at* https://www.senate.gov/legislative/LIS/roll_call_votes/vote1171/vote_117_1_00203.htm (last visited June 24, 2024).

⁴ AG Garland on Charging a Former President: No One Is Above the Law, C-SPAN, Jan. 20, 2022, *available at* <https://www.c-span.org/video/?c5024451/ag-garland-charging-president-law> (last visited June 24, 2024).



More than seven weeks after clear evidence of Kristen Clarke's false statements and perjury became public, it is very clear you consider her above the law. This is unacceptable, and I demand you open a criminal probe.

Thank you for your attention to this important matter.

Sincerely,

Mike Davis, President and Founder
Article III Project (A3P)

Exhibit 8

OCT 03 2022


DEPUTY CLERK

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)
)
 v.)
)
 [1] CHESTER GALLAGHER)
 [2] HEATHER IDONI)
 [3] CALVIN ZASTROW)
 [4] COLEMAN BOYD)
 [5] CAROLINE DAVIS)
 [6] PAUL VAUGHN)
 [7] DENNIS GREEN)
 [8] EVA EDL)
 [9] EVA ZASTROW)
 [10] JAMES ZASTROW)
 [11] PAUL PLACE)

NO. 3:22-00327

18 U.S.C. § 2
18 U.S.C. § 241
18 U.S.C. § 248(a)(1)

INDICTMENT

THE GRAND JURY CHARGES:

The Grand Jury for the Middle District of Tennessee charges that, at times material to this Indictment, on or about the dates stated below:

Introduction

1. The carafem Health Center (“Clinic”) was a provider of reproductive health services, including abortions, located in Mt. Juliet, in the Middle District of Tennessee.

2. The following individuals were present at the Clinic on March 5, 2021, together and with others known and unknown to the Grand Jury:

- a. [1] **CHESTER GALLAGHER**, an individual who resides in Tennessee;
- b. [2] **HEATHER IDONI**, an individual who resides in Michigan;
- c. [3] **CALVIN ZASTROW**, an individual who resides in Michigan;
- d. [4] **COLEMAN BOYD**, an individual who resides in Mississippi;

- e. [5] **CAROLINE DAVIS**, an individual who resides in Michigan;
 - f. [6] **PAUL VAUGHN**, an individual who resides in Tennessee;
 - g. [7] **DENNIS GREEN**, an individual who resides in Virginia;
 - h. [8] **EVA EDL**, an individual who resides in South Carolina;
 - i. [9] **EVA ZASTROW**, an individual who resides in Arkansas;
 - j. [10] **JAMES ZASTROW**, an individual who resides in Missouri; and
 - k. [11] **PAUL PLACE**, an individual who resides in Tennessee.
3. Employee A was employed by the Clinic and was at work on March 5, 2021.
4. Patient A was a Clinic patient who was seeking to obtain reproductive health services at the Clinic on March 5, 2021.

COUNT ONE

5. The allegations contained in paragraphs 1 through 4 of this Indictment are realleged and incorporated herein by reference.

6. From on or about February 10, 2021, to on or about March 5, 2021, in the Middle District of Tennessee and elsewhere, defendants [1] **CHESTER GALLAGHER**, [2] **HEATHER IDONI**, [3] **CALVIN ZASTROW**, [4] **COLEMAN BOYD**, [5] **CAROLINE DAVIS**, [6] **PAUL VAUGHN**, and [7] **DENNIS GREEN** did willfully combine, conspire, and agree with one another, and with other persons known and unknown to the Grand Jury, to injure, oppress, threaten, and intimidate patients and employees of the Clinic in the free exercise and enjoyment of the rights and privileges secured to them by the laws of the United States, namely, the right to obtain and seek to obtain, and to provide and seek to provide, reproductive health services, as provided by Title 18, United States Code, Section 248(c), in violation of Title 18, United States Code, Section 241.

Purpose of the Conspiracy

7. It was the plan and purpose of the conspiracy that defendants [1] **CHESTER GALLAGHER**, [2] **HEATHER IDONI**, [3] **CALVIN ZASTROW**, [4] **COLEMAN BOYD**, [5] **CAROLINE DAVIS**, [6] **PAUL VAUGHN**, and [7] **DENNIS GREEN**, aided and abetted by each other and by other co-conspirators known and unknown to the Grand Jury, would create a blockade to stop the Clinic from providing, and patients from obtaining, reproductive health services.

Overt Acts

8. In furtherance of the conspiracy, and to accomplish the objects of the conspiracy, the conspirators committed various overt acts, including, but not limited to, the following:

9. In or about February 2021, [1] **CHESTER GALLAGHER** utilized social media and promoted a series of anti-abortion events scheduled for March 4 through 7, 2021, in the Nashville area. [1] **GALLAGHER** used the term “rescue” to describe the physical blockade of a reproductive health care facility.

10. In or about mid-February 2021, [1] **CHESTER GALLAGHER** and [2] **HEATHER IDONI** used Facebook, a social media platform, to coordinate travel and logistics for [2] **IDONI**, [3] **CALVIN ZASTROW**, [5] **CAROLINE DAVIS**, [7] **DENNIS GREEN**, and other blockade participants known and unknown to the Grand Jury to travel to Nashville. [1] **GALLAGHER** and [2] **IDONI** also used Facebook to identify blockade participants who would be willing to risk arrest to further the objects of the conspiracy.

11. In or about mid-February 2021, [5] **CAROLINE DAVIS** used Facebook to communicate to [4] **COLEMAN BOYD** that she would meet him for a “rescue” in Tennessee in

March 2021. [5] **DAVIS** then did meet [4] **BOYD** and others in Mt. Juliet, Tennessee, on or about March 4, 2021, to participate in a blockade at the Clinic.

12. In or about March 2021, [2] **HEATHER IDONI**, [3] **CALVIN ZASTROW**, [4] **COLEMAN BOYD**, [5] **CAROLINE DAVIS**, [7] **DENNIS GREEN**, and others known and unknown to the Grand Jury, traveled to the Middle District of Tennessee from other states.

13. In or about March 4, 2021, [4] **COLEMAN BOYD** advertised the clinic blockade on his Facebook social media account. [4] **BOYD** posted, “Lord willing, our family will be doing a Facebook live of some ministry activities tomorrow morning around 7:45 AM central time. Please be in prayer towards this. Please plan to join us and share it if possible.”

14. On or about 7:45 a.m. on March 5, 2021, [4] **COLEMAN BOYD** stood in the hallway outside of the Clinic suite and used his Facebook account to create a livestream titled, in part, “Mt. Juliet, TN Rescue March 5, 2021.”

15. [1] **CHESTER GALLAGHER**, [2] **HEATHER IDONI**, [3] **CALVIN ZASTROW**, [6] **PAUL VAUGHN**, and others known and unknown to the Grand Jury gathered in the hallway outside of the Clinic suite, directly outside the Clinic’s two entry doors, at 7:45 a.m.

16. [1] **CHESTER GALLAGHER** and [3] **CALVIN ZASTROW** stood directly in front of the Clinic’s main entry door, blocking access to the Clinic when [4] **COLEMAN BOYD** commenced his Facebook livestream at approximately 7:45 a.m. [4] **BOYD** announced on his Facebook livestream that the individuals depicted on his livestream, which included himself, [1] **GALLAGHER**, [2] **HEATHER IDONI**, [3] **CALVIN ZASTROW**, [6] **PAUL VAUGHN**, and others known and unknown to the Grand Jury, were present at 7:45 a.m. because the Clinic was scheduled to open at 8:00 a.m.

17. At approximately 7:51 a.m., [7] **DENNIS GREEN** used his Facebook account to create a livestream of the blockade of the Clinic. [7] **GREEN** recorded himself entering the Clinic building, and then riding up the elevator to the Clinic floor with [5] **CAROLINE DAVIS** and others known and unknown to the Grand Jury.

18. [5] **CAROLINE DAVIS**, [7] **DENNIS GREEN**, and others known and unknown to the Grand Jury arrived approximately six minutes into [4] **COLEMAN BOYD'S** livestream video, at approximately 7:51 a.m. [5] **DAVIS**, [7] **GREEN**, and others known and unknown to the Grand Jury walked through the clinic hallway and assumed positions blocking the main door to the Clinic.

19. When Patient A and her companion arrived outside the Clinic for a scheduled reproductive health service, they encountered [4] **COLEMAN BOYD**, who was standing next to the only hallway leading to the Clinic's entry doors. [4] **BOYD** attempted to engage Patient A by asking her numerous questions. For example, [4] **BOYD** asked Patient A if she was, "Trying to come to the abortion mill?" Patient A responded and walked away, but [4] **BOYD** persisted and asked Patient A, "Can we talk to you for a minute?" [4] **BOYD** then encouraged one of his children to approach Patient A and her companion. [4] **BOYD'S** child then walked up to Patient A and asked her and her companion if they're "looking for the abortion clinic?" Patient A and her companion walked into the crowded hallway but stopped short of the Clinic entrance. [4] **BOYD** then directed his livestream camera into the hallway and captured Patient A speaking with Employee A. [4] **BOYD** told his livestream audience that Patient A was a "mom coming to kill her baby."

20. When Employee A returned to the Clinic staff door, [3] **CALVIN ZASTROW** physically blocked the door for Clinic staff. [3] **ZASTROW** refused to move from the door, and

acknowledged to Employee A that he was trespassing. Employee A was unable to enter the Clinic, and exited the building.

21. Shortly after 8:00 a.m., [1] **CHESTER GALLAGHER** used his Facebook account to post a livestream video titled, "RESCUE." [1] **GALLAGHER** announced that he, [3] **CALVIN ZASTROW**, and another individual known to the Grand Jury are "leading a rescue." [1] **GALLAGHER** further stated that the "rescuers" present were "willing to be incarcerated" to "rescue families from this place of destruction." During the course of the recording, [1] **GALLAGHER** explained that a successful "rescue" involved delay tactics that kept patients from obtaining, and the Clinic from performing, abortions.

22. [1] **CHESTER GALLAGHER** announced to [2] **HEATHER IDONI**, [3] **CALVIN ZASTROW**, [5] **CAROLINE DAVIS**, [6] **PAUL VAUGHN**, [7] **DENNIS GREEN**, and others known and unknown to the Grand Jury that, "It's very important that if you're not planning on being arrested, do not sit in front of the door, do not get pictured blocking the door. I just don't want anybody having their picture taken sitting in front of the door unless you're being arrested. Otherwise, just stand up and be in the hallway." Following [1] **GALLAGHER'S** announcement, [2] **IDONI**, [3] **ZASTROW**, [5] **DAVIS**, and [7] **GREEN** and others known and unknown to the Grand Jury used their bodies to block the Clinic's doors. [4] **COLEMAN BOYD** remained at the opposite end of the Clinic hallway livestreaming the events with a cell phone.

23. [2] **HEATHER IDONI**, [3] **CALVIN ZASTROW**, [5] **CAROLINE DAVIS**, [7] **DENNIS GREEN** and others known and unknown to the Grand Jury continued to physically block the Clinic's doors.

24. After officers with the Mt. Juliet Police Department arrived and directed the individuals in the hallway outside the Clinic to leave, [1] **CHESTER GALLAGHER** told

[2] HEATHER IDONI, [3] CALVIN ZASTROW, [5] CAROLINE DAVIS, [6] PAUL VAUGHN, [7] DENNIS GREEN and others known and unknown to the Grand Jury that, “We’re at the point now where we need to know who is going to jail and who is not.” Following [1] GALLAGHER’S announcement, [2] IDONI, [3] CALVIN ZASTROW, [5] DAVIS, [7] GREEN, and others known and unknown to the Grand Jury blocked the Clinic’s doors.

25. As [6] PAUL VAUGHN stood in the hallway, [1] CHESTER GALLAGHER announced to [2] HEATHER IDONI, [3] CALVIN ZASTROW, [5] CAROLINE DAVIS, [6] VAUGHN, [7] DENNIS GREEN and others known and unknown to the Grand Jury that, “We have two doors to block.”

26. During [1] CHESTER GALLAGHER’S Facebook livestream, [6] PAUL VAUGHN alerted [1] GALLAGHER and others that the police were soon going to arrest individuals after giving a final warning. After [6] VAUGHN spoke with the police officers he stood next to [1] GALLAGHER, who explained to his Facebook livestream audience that [6] VAUGHN was engaging the police and “trying to buy us as much time as we can.”

27. [1] CHESTER GALLAGHER stood next to [2] HEATHER IDONI, [5] CAROLINE DAVIS, [7] DENNIS GREEN and others known and unknown to the Grand Jury in front of the Clinic’s main entry door and explained to his Facebook livestream audience that he and the blockade participants “already turned away one couple” and hoped to “stop as many murderous appointments as we can.”

All in violation of Title 18, United States Code, Section 241.

COUNT TWO

28. The allegations contained in Paragraphs 1 through 27 of this Indictment are realleged and incorporated herein by reference.

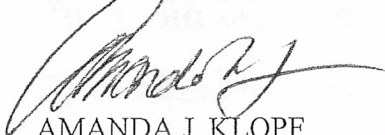
29. On or about March 5, 2021, in the Middle District of Tennessee and elsewhere, the defendants, [1] CHESTER GALLAGHER, [2] HEATHER IDONI, [3] CALVIN ZASTROW, [4] COLEMAN BOYD, [5] CAROLINE DAVIS, [6] PAUL VAUGHN, [7] DENNIS GREEN, [8] EVA EDL, [9] EVA ZASTROW, [10] JAMES ZASTROW, and [11] PAUL PLACE, aiding and abetting one another, did by force, threat of force, and physical obstruction, intentionally injure, intimidate, and interfere with, and attempt to injure, intimidate, and interfere with Patient A, Employee A, and the other employees of the Clinic, because Patient A was obtaining, and the Clinic was providing, reproductive health services.

All in violation of Title 18, United States Code, Sections 248(a)(1) and 2.

A TRUE BILL


FOREPERSON

MARK H. WILDASIN
UNITED STATES ATTORNEY



AMANDA J. KLOPF
ASSISTANT UNITED STATES ATTORNEY

KRISTEN M. CLARKE
ASSISTANT ATTORNEY GENERAL
CIVIL RIGHTS DIVISION



SANJAY PATEL
NIKHIL RAMNANEY
TRIAL ATTORNEYS

Exhibit 9

OPERATION RESCUE DALLAS/FORT WORTH

STOP F.A.C.E. RALLY

THURSDAY, SEPTEMBER 30, 1993
CALVARY HILL BAPTIST CHURCH
3300 LA PRADA
MESQUITE, TEXAS
7:30 PM
Just east of I-635 on LaPrada.

"FOR IF YOU REMAIN SILENT AT THIS TIME, RELIEF AND
DELIVERANCE FOR THE JEWS WILL ARISE FROM
ANOTHER PLACE. BUT YOU AND YOUR FATHER'S FAMILY
WILL PERISH. AND WHO KNOWS BUT THAT YOU HAVE
COME TO ROYAL POSITION FOR SUCH A TIME AS THIS?"
ESTHER 4:14

CONGRESSIONAL PHONE NUMBER:

ASK FOR YOUR SENATOR AND YOUR REPRESENTATIVE YOU WILL BE CONNECTED
202-244-3121

CONGRESSIONAL ADDRESSES:

THE HONORABLE
SENATOR'S NAME"
U.S. SENATE
WASHINGTON, DC 20510

THE HONORABLE
"REPRESENTATIVE'S NAME"
U.S. HOUSE OF
REPRESENTATIVES
WASHINGTON, DC 20515

WASHINGTON, D.C.
OCTOBER 5-7, 1993
OPERATION RESCUE NATIONAL
EVENTS

Lobbying representatives, public demonstrations,
civil disobedience on October 5.

BEST WESTERN-ARLINGTON
800-426-6886
\$59 PER NIGHT FLAT RATE PER ROOM

Christians Are About To Be Put In Federal Prisons...

...What Are You Going To Do To Stop It?

Congress is on the verge of passing a law that makes "Operation Rescue activities" a federal offense, punishable with federal prison time. If a person peacefully "sits-in" at an abortion mill, he could be sentenced to one year in a federal prison. If he were convicted of a second offense, he could be placed in a federal prison for up to three years.

The name of this law is the Freedom of Access to Clinic Entrances (F.A.C.E.) It is a direct assault on Christians and pro-lifers.

When Janet Reno became Attorney General, she said one of her top priorities was prosecuting pro-lifers. Our nation has a crisis of gang warfare, mail fraud, credit card scams, drive by shootings and more, but Attorney General Reno wants to hammer non-violent Christians.

Friend, the Body of Christ is under attack. What will you do? Will you stand up for your brethren? Will you resist this oppression? Or will you give your approval to the persecution of your fellow Christians? If you are silent, your silence translates into approval.

In the Bible (Esther 4:14), Esther was urged not to remain silent for she had attained royalty "for such a time as this." Fellow believers, the time is now! At such a time as this we must not remain silent.

We must call, write and meet with our senators and congressmen and insist that they vote against this bill. Write letters to the editor and call in to radio talk shows denouncing this unconscionable bill.

Below are some important points to make when talking to your representatives, in letters to the editor, to your pastor, and to anyone else with whom you talk about F.A.C.E.:

◆ A primary reason given to support this bill is to remove the potential for violence. *We already have laws against violence.* This legislation will stop peaceful life-saving activities at abortion mills. It seeks to remove the Christian witness that defends the lives of mothers and their children.

◆ It would put Christians like you and me in federal prison for up to 3 years with fines up to \$250,000.

◆ We would lose our right to vote or hold office.

◆ Make it clear that F.A.C.E. is an assault on Christianity and the church because Christians are the primary rescuers of the children.

◆ Priests and Protestant ministers should make it clear that this law would put them and their parishioners in federal prison.

◆ Discuss how "sit-ins" and civil disobedience are part of our country's heritage.

◆ Ask why pro-life citizens are being singled out for this harsh punishment. Many other groups use blockades and civil disobedience, but they are not the targets of such legislation. Use these specific examples:

- Homosexuals sitting-in or disrupting church services
- Anti-apartheid activists sitting-in at the South African embassy
- Environmental activists blocking logging trails and booby-trapping trees
- Black civil rights activists blocking bridges or tunnels during "days of outrage"
- Anti-nuclear demonstrators staging sit-ins at nuclear facilities
- Union members blocking access during strikes and other labor actions
- Homosexuals and lesbians recently held a sit-in at the White House
- The Washington, DC mayor recently was

arrested for a sit-in demanding statehood for the District of Columbia.

Will any of these activists be charged with a felony? Will any of them have to face federal prisons for their sit-ins and blockades? Of course not. Pro-lifers are being singled out for politically incorrect speech, beliefs, and activities.

◆ These are NOT the kinds of laws passed in a free country that treasures the right to vigorous dissent.

◆ If the congressman argues that we are inhibiting women from "exercising their constitutional rights," take the opportunity to re-educate him about two things:

1. Abortion is murder. It is a newly created so-called right.
2. By this logic, homosexuals who disrupt church services are violating the constitutional rights of parishioners. Environmental activists are disrupting the constitutional rights of workers and business to trade and to do business. Why is the constitutional right of child-killing more sacred than all other "constitutional rights"?

If your representative is going to vote for F.A.C.E. insist that he change his mind. This bill is the first step down the unwelcome path to tyranny and oppression. Tell him this is anti-Christian bigotry. It will be remembered.

If your representative is going to vote against F.A.C.E., urge him to loudly denounce the bill for the reasons mentioned above. Insist that he use his influence to persuade his colleagues to vote against this bill.

**STOP
F.A.C.E.**