



Anti-Choice Violence and Intimidation

A campaign of violence, vandalism, and intimidation is endangering providers and patients and curtailing the availability of abortion services in the United States. Since 1993, 11 people – including doctors, clinic employees, a clinic escort, a security guard, and a police officer – have been murdered.¹ Twenty-six attempted murders have also occurred since 1991.² In fact, opponents of choice have directed more than 6,900 reported acts of violence against abortion providers since 1977, including bombings, arsons, death threats, bioterrorism threats, and assaults, as well as more than 194,000 reported acts of disruption, including bomb threats, hate mail, and harassing calls.³

Clinic-Protection Laws

Federal and state legislators have recognized the danger to abortion providers and women seeking care and have responded by enacting laws to protect them. Congress passed an important federal law to address escalating clinic violence in the 1990s, and many states have enacted their own protections as well. Several of these laws have been challenged, some even making their way to the U.S. Supreme Court, but courts consistently had upheld these laws as constitutional.⁴ However, in June, 2014, the Supreme Court found unconstitutional Massachusetts' clinic-protection law – a decision that could have long-term consequences for the safety of clinic patients and staff.⁵

Federal Protections

In 1994, Congress enacted the Freedom of Access to Clinic Entrances Act (FACE), which provides federal protection against the unlawful and often violent tactics used by abortion opponents.⁶ The law has three general protections for patients and health-care providers:

- 1) prohibits using force or physical obstruction to interfere with another person's ability to obtain or provide reproductive-health services.⁷
- 2) prohibits using force or physical obstruction to interfere with another person's ability to exercise her First Amendment right of religious freedom at a place of worship.⁸
- 3) prohibits the intentional damage or destruction of a reproductive-health facility.⁹

Individuals in violation of the law face potential imprisonment, fines, and civil lawsuits.¹⁰ Peaceful picketing and protest is not prohibited – in fact, the law explicitly protects these activities.¹¹

State and Local Protections

In addition to the FACE Act, many states and municipalities have enacted measures to address anti-choice violence and intimidation targeting reproductive-health clinics. Seventeen states, the District of Columbia, and a number of cities have passed their own clinic-protection laws to

augment the general statutes prohibiting violence in any context.¹² Generally, these clinic-protection laws prohibit the interference with access to health-care facilities. Notably, four states have enacted even more protective laws for providers and patients who are attempting to enter clinics.

In 1993 and 2005 respectively, Colorado and Montana enacted laws that set up a “bubble zone” – a floating space around a person that anti-choice demonstrators cannot enter – protecting clinic patients and staff once they are within a certain distance of a clinic.¹³ For example, in Colorado, once a patient or employee is within 100 feet of a clinic, any person intending to interfere with their entrance into the health center is not allowed within eight feet of that patient or employee.¹⁴ The Colorado law has withstood two high-level challenges: in 2000, the U.S. Supreme Court ruled the Colorado law constitutional,¹⁵ and in 2014, the court declined to hear another challenge.¹⁶ The Montana law has never been challenged.

In 2000, Massachusetts enacted a measure similar to the Colorado and Montana laws.¹⁷ Federal courts found the law constitutional – several times.¹⁸ Then, in 2007, recognizing the need for additional protections, the state legislature amended the law to create a “buffer zone” – a fixed space around clinics that anti-choice demonstrators cannot enter. Individuals trying to impede or approach patients and staff could not do so within 35 feet of a clinic.¹⁹ In 2014, New Hampshire enacted a similar “buffer zone” law to protect women and clinic personnel from anti-choice harassment within 25 feet of a clinic.²⁰ Both laws were quickly challenged by anti-choice groups.

***McCullen v. Coakley* and the Consequences for Clinic-Protection Laws**

The Massachusetts “buffer zone” law had been making its way through the courts and was found constitutional by the First Circuit Court of Appeals. Unfortunately, in 2014, the Supreme Court found the law unconstitutional under the First Amendment’s free-speech protections.²¹ In the court’s *McCullen v. Coakley* decision, it held that the “buffer zone” burdened more speech than necessary because it applied to public ways and sidewalks. While the Supreme Court’s ruling is immediately limited only to the Massachusetts law, it has already had a negative impact on other clinic-protection laws.

The day before the New Hampshire law was set to go into effect, a U.S. district court judge granted an anti-choice group a temporary restraining order against the law.²² The New Hampshire attorney general had already announced that the state would not enforce its “buffer zone” law.²³ Additionally, four cities – Portland, ME, Burlington, VT, Madison, WI and San Francisco, CA – have repealed or announced they won’t enforce their “buffer zone” ordinances, which have minimized conflicts and threats of intimidation between women, clinic staff, and protesters.²⁴ This Supreme Court decision has the potential to be used as the basis of litigation to invalidate the state-wide laws in Colorado, Montana, and New Hampshire, as well as those in numerous local municipalities.

In the wake of the *McCullen* decision, pro-choice elected officials in Massachusetts quickly responded by crafting a new, more narrow clinic-protection measure, which was successfully enacted in the final days of the 2014 legislative session.²⁵ The new Massachusetts law has three main provisions:

- 1) prohibits protesters, or a gathering of two or more people, from blocking, or attempting to block, a clinic driveway or entrance and grants law enforcement the ability to order an immediate dispersal of any such group;
- 2) following a dispersal order, individuals must remain at least 25 feet from a facility entrance or driveway for up to eight hours, or during clinic business hours. The law states the 25-foot area must be clearly delineated; and
- 3) prohibits anyone from interfering with a vehicle entering or leaving a clinic, and establishes civil and criminal penalties for any violator of the law or resulting dispersal order.

This statewide law is already serving as a model for future clinic-protection measures.²⁶ Although the frequency of some forms of clinic violence declined after the 1994 enactment of the federal FACE Act²⁷ and corresponding state laws, anti-choice violence at reproductive-health centers is far from being eradicated.²⁸ The vital need for clinic-protection laws is demonstrated in the sections below, which provide examples of the extent of violence, threats and intimidation that women, health-care providers and clinic staff must contend with, as well as the impact anti-choice violence has on access to abortion care.

Recent Escalation of Anti-Choice Clinic Violence

The year 2015 saw an alarming escalation in violent attacks against abortion providers – attributed by many to a spike in inflammatory rhetoric and heightened anti-choice legislative activity in Congress and the states. The latest round of hateful speech began in July 2015 when a fraudulent group called the Center for Medical Progress (CMP) released a series of incendiary and highly edited videos accusing Planned Parenthood of violating fetal-tissue donation law.²⁹ The discredited videos were part of a deliberate, calculated campaign targeting the women’s health provider and anti-choice lawmakers took advantage of the campaign to attack reproductive rights overall. Between August and December, Congress held several circus-like hearings – including one in which anti-choice lawmakers berated Planned Parenthood President Cecile Richards for several straight hours – and voted seven times to defund Planned Parenthood.³⁰

In the wake of CMP’s accusations, incendiary rhetoric filled legislative bodies, social media, and the public debate, which fueled violence by extremists. Fringe anti-abortion activists unleashed a wave of attacks on abortion providers across the country. In the five months after the first video was released, Planned Parenthood clinics suffered four arson attacks, one violent break-in, and a mass shooting – killing three people and injuring nine.³¹

Tragically, these appalling attacks are not uncommon. In fact, these acts of violence are a terrible but predictable result of the inflammatory and irresponsible rhetoric that accompanied CMP's smear campaign against abortion providers.

Abortion is a legal, constitutionally protected right, and regardless of one's opinion on legal abortion, we should all agree that women seeking health-care services, and the health-care professionals who provide them, should be free from acts of violence, harassment, and intimidation. It is essential that anti-choice violence be called and treated as what it is – domestic terrorism. The term signals an important acknowledgement that these are not random acts of violence: they are supported, encouraged, and applauded by an entire anti-choice infrastructure that includes fringe activists, legal defenders, traditional and social media, and elected officials.

While there are clinic-protection measures at the federal, state, and local levels, it is essential for lawmakers to assess what more can be done to protect abortion providers and women seeking care.

Anti-Choice Violence Exacerbates the Shortage of Abortion Providers

The number of physicians who are trained, qualified, and willing to provide abortion services is a barrier to accessing care in some areas.³² Anti-choice forces have created an atmosphere of intense violence and intimidation that deters physicians from entering the field and has caused others to stop providing abortion services. Consequently, more and more American women are at risk of losing access to safe and legal abortion.

- Eighty-nine percent of counties in the United States have no abortion provider.³³ In 21 states, the number of physicians who provided abortion care declined between 2008 and 2011.³⁴
- Clinic directors can have a difficult time hiring and retaining office staff because of the daily threats and harassment from anti-choice activists. According to Dr. Warren Hern, an abortion provider and director of a Boulder, Colorado reproductive-health center, “[w]e had this absolutely fantastic candidate for a front-desk job in my office. She was ready to accept, but because of the assassination of [Dr.] Slepian she decided not to work here. She talked to her friends and family and decided she could not live with that kind of fear.”³⁵
- In October 1999, abortion provider Stephen Dixon closed down his District of Columbia ob/gyn practice, indicating that threats and harassment by anti-abortion activists had taken their toll. These activists mailed threats to Dixon's home, placed his photograph on a “wanted poster,” and listed him on an anti-choice “Baby Butchers” web site, along with 32 other D.C. physicians and hundreds more across the country. Dixon said he had already stopped providing abortion care due to the stress caused by anti-abortion terrorism. In a letter to his patients, Dixon wrote, “Sadly, the ongoing threat to my life and my concern for the safety of my loved ones has exacted a heavy toll on me, making it necessary that I discontinue practicing OB-GYN.”³⁶

Abortion Providers and Other Health Professionals Face the Threat of Murder

MURDERS:

Since 1993, 11 people have been murdered due to anti-choice clinic violence.³⁷

- **2015: The Murders of Officer Garrett Swasey, Jennifer Markovsky, and Ke'Arre Stewart.** On November 27, 2015, a man armed with an assault rifle opened fire in a Planned Parenthood clinic in Colorado Springs, Colorado. The attack resulted in a standoff with police that lasted five hours. Before finally surrendering to authorities, the shooter wounded nine people and killed three – police officer Garrett Swasey, as well as Jennifer Markovsky and Ke'Arre Stewart, who were accompanying friends to the clinic. Robert Lewis Dear was charged with multiple counts of first-degree murder and attempted first-degree murder. Dear reportedly mentioned “baby parts” to investigators and made a number of anti-choice statements during his hearing. He talked about “the atrocities,” declared himself “a warrior for babies,” and said, “I am guilty.” The case against Dear is ongoing.³⁸
- **2009: The Murder of Dr. George Tiller.** On May 31, 2009, Dr. George Tiller, an abortion provider, was shot and killed while attending church in Wichita, Kansas. Dr. Tiller was one of only a few doctors in the nation who provided abortion services late in pregnancy, and had been a focal point for abortion opponents for decades.³⁹ In January 2010, anti-choice activist Scott Roeder was convicted of first-degree murder and two counts of aggravated assault in connection with the crime.⁴⁰ During his testimony, Roeder admitted that he had been thinking of attacking Dr. Tiller for years, and had considered different ways to do so, such as positioning himself like a sniper on a rooftop or cutting off Tiller’s hands with a sword. Roeder also expressed his frustration that two efforts to prosecute Dr. Tiller had failed. “There was nothing being done and the legal process had been exhausted, and these babies were dying every day,” Roeder said. “I felt that if someone did not do something, he was going to continue.” In April 2010, Roeder was sentenced to life in prison.

In response to Dr. Tiller’s murder, Operation Rescue founder and former president Randall Terry referred to him as a “mass murderer” and said that, “horrifically, he reaped what he sowed.”⁴¹ Conservative commentator Ann Coulter responded to Dr. Tiller’s murder by saying, “I don’t really like to think of it as murder. It was terminating Tiller in the 203rd trimester.”⁴²

In August 1993, Dr. Tiller was shot twice in the arm outside a health center in Wichita, Kansas and in June 1986 a pipe bomb exploded at his clinic, Women’s Health Care Services, which caused more than \$70,000 in damages.⁴³

- **1998: The Murder of Dr. Barnett Slepian.** Dr. Barnett Slepian, an obstetrician-gynecologist who endured protests and harassment for years, was shot and killed by a single bullet fired through his kitchen window on October 23, 1998, in Amherst, New York.⁴⁴ James Kopp, a known anti-choice activist, spent a year planning Dr. Slepian’s murder, selecting him from half a dozen other abortion providers in the Buffalo area because the rear window of Dr.

Slepian's home that faced the woods made him "vulnerable."⁴⁵ Kopp spent almost two years on the FBI's Ten Most Wanted List before he was captured in France in March 2001.⁴⁶ Following a jailhouse confession and an unprecedented one-day trial, Kopp was convicted under state law for second-degree murder and reckless murder with depraved indifference to human life in March 2003. He was sentenced to the maximum penalty of 25 years to life imprisonment.⁴⁷ In October 2006, the New York State Court of Appeals affirmed the state conviction, rejecting Kopp's last-ditch effort to have it overturned.⁴⁸

In addition, Kopp was tried on federal charges for Dr. Slepian's murder. In January 2007, Kopp was convicted on federal charges of violating the Freedom of Access to Clinic Entrances (FACE) Act and of using a firearm to commit the murder. In June 2007, Judge Richard Arcara of Federal District Court sentenced Kopp to life in prison for the FACE violation and added a 10-year sentence on the weapons charge.⁴⁹

Additionally, Kopp is the prime suspect in a series of shootings of three Canadian doctors and one American doctor that began in 1994.⁵⁰ Each of these sniper shootings, including the murder of Dr. Slepian, occurred in late October or early November, coinciding with the November 11 Remembrance Day in Canada, a holiday that anti-choice activists have appropriated as "Remember the Unborn Children Day."

- **1998: The Murder of Clinic Security Guard Robert Sanderson.** On January 29, 1998, a bomb exploded in front of the New Woman, All Women Health Care clinic in Birmingham, Alabama. The explosion killed the clinic's security guard, Robert Sanderson, an off-duty police officer, and badly injured nurse Emily Lyons, leaving her nearly blind and with medical bills totaling approximately \$750,000.⁵¹ Eric Robert Rudolph was charged with the attack and was also indicted for three bombings in the Atlanta area, including the 1997 bombing of an abortion clinic.⁵² After evading law enforcement for five years, Rudolph was captured on May 31, 2003 in his hometown of Murphy, North Carolina.⁵³ In July 2005, Rudolph entered a plea – avoiding the death penalty – and received two life-term sentences without parole for the Birmingham bombing.⁵⁴
- **1994: The Murder of Clinic Receptionists Shannon Lowney and Lee Ann Nichols.** On December 30, 1994, John Salvi opened fire with a rifle in two clinics in Brookline, Massachusetts, and then traveled to Norfolk, Virginia, where he was arrested after allegedly firing 23 shots into another clinic. Two clinic receptionists – Shannon Lowney and Lee Ann Nichols – were killed and five others were injured in the rampage. The Brookline and Norfolk clinics had long been the targets of intense anti-choice violence and harassment. In March 1996, Salvi was convicted of the murders.⁵⁵
- **1994: The Murder of Dr. John Britton and Clinic Escort James Barrett.** Reverend Paul Hill, a well-known abortion protestor and director of the anti-choice group Defensive Action, was convicted in 1994 for the murders of Dr. John Britton and 74-year-old clinic escort James Barrett outside a reproductive-health clinic in Pensacola, Florida. The two victims were shot

with a 12-gauge shotgun on July 29, 1994. A second escort was wounded. Before the shootings, Hill had been arrested for his anti-choice activity and had repeatedly advocated the use of force.⁵⁶ Hill did not appeal his conviction and, in September 2003, he became the first killer of an abortion provider to be executed.⁵⁷

- **1993: The Murder of Dr. David Gunn.** After enduring years of harassment, threats, and clinic blockades, Dr. David Gunn, a physician who provided abortion services, was murdered on March 10, 1993, during an anti-abortion protest at a Pensacola clinic.⁵⁸ During the summer of 1992, “wanted” posters featuring Dr. Gunn’s photograph, home telephone number, and schedule were distributed at an Operation Rescue rally in Montgomery, Alabama.⁵⁹ Michael Griffin was charged and convicted of the murder and must serve at least 25 years in prison before being eligible for parole.⁶⁰

ATTEMPTED MURDERS:

For every murder, there are many more attempts on the lives of abortion providers and clinic staff.⁶¹ The following are just a few examples:

- **November 2015:** On November 27, 2015, Robert Lewis Dear was arrested and later charged with multiple counts of first-degree murder and attempted first-degree murder after a mass shooting at a Planned Parenthood clinic in Colorado Springs, Colorado. The attack resulted in a standoff with police that lasted five hours and only ended after the shooter had wounded nine people and killed three – police officer Garrett Swasey, as well as Jennifer Markovsky and Ke’Arre Stewart, who were accompanying friends to the clinic. Dear reportedly mentioned “baby parts” to investigators and made a number of anti-choice statements during his hearing. He talked about “the atrocities,” declared himself “a warrior for babies,” and said “I am guilty.” The case against Dear is ongoing.⁶²
- **May 2011:** In Madison, Wisconsin, Ralph Lang was arrested after his gun went off in a hotel room. Lang told the police he had the gun to “to lay out abortionists because they are killing babies,” and that he planned to go to the Planned Parenthood to find an abortion provider to shoot in the head. Lang was convicted of attempted first-degree intentional homicide and sentenced to 10 years in prison.⁶³
- **September 1999:** A man carrying a 12-gauge shotgun entered Michigan’s Oakwood Hospital announcing his intention to murder doctors who provide abortion services. Guards at the hospital immediately detained him. The man later told detectives that physicians who provide abortion care are “murderers who must be killed.” According to police, “[t]he suspect further claims that a girlfriend or former wife had an abortion sometime in the past and he is avenging the so-called ‘murder’ of his daughter.”⁶⁴
- **December 1996:** Dr. Calvin Jackson, an abortion provider, was stabbed so severely that he lost four pints of blood and one ear was almost severed. The assailant was apprehended a few hours later after illegally entering another clinic carrying a filleting knife.⁶⁵

- **August 1993:** Dr. George Tiller, an abortion provider, was shot in both arms outside an abortion clinic in Wichita, Kansas. The woman charged with the shooting, Rachelle “Shelley” Shannon, had been arrested in cities across the country for trespassing and blockading clinic entrances and had praised the man charged with murdering Dr. Gunn as a “hero of our time.”⁶⁶ She received an 11-year prison sentence. In addition, on June 7, 1995, Shannon pleaded guilty to six incidents of arson and two acid attacks against abortion clinics. She received an additional 20-year sentence for the arson and acid attacks, which destroyed two clinics.⁶⁷

Abortion Providers are Routinely Subjected to Violence

BOMBINGS AND ARSONS:

For people working to help women exercise their freedom to choose, the threats of bombings and arsons are quite real. Between 1977 and 2014, at least 42 bombings, 182 arsons, 99 attempted bombings and arsons, and 662 bomb threats have been directed at abortion providers.⁶⁸ The following are just a few examples of the bombings and arsons that have been directed against abortion providers.

Bombings:

- On December 12, 2005, a petroleum-based bomb was thrown at the Hope Medical Group for Women in Shreveport, Louisiana. The bomb fell away from the clinic and burned, so no damage was done to the clinic and no clinic services were disrupted. In January 2006, Patricia Hughes and Jeremy Dunahoe were charged in connection with the attempted bombing, both of whom pleaded guilty. In August 2006, Hughes was sentenced to six years in prison, while Dunahoe, her accessory, was sentenced to one year.⁶⁹
- On June 11, 2001, the office of an abortion provider in Tacoma, Washington, was bombed. Although the three employees inside the building were not injured, a wall of the facility was destroyed, resulting in \$6,000 in estimated damage.⁷⁰
- Two bombs were discovered at Cincinnati Women’s Services in Cincinnati, Ohio and Planned Parenthood of Southwestern Ohio and Northern Kentucky on January 3, 2000.⁷¹
- In March 1999, a bomb exploded at an Asheville, North Carolina abortion clinic a half-hour before the clinic was scheduled to open. Although the bomb caused minimal damage at Femcare Clinic, western North Carolina’s only abortion facility, it could have severely damaged the facility if the device had fully detonated.⁷²

Arsons:

- On September 4, 2014, there was an arson attack at a Planned Parenthood clinic in Pullman, Washington. Video recovered by investigators showed a flammable object being thrown through a window of the clinic at around 3:30 a.m. The fire, smoke, and heat damage was so

extensive that the fire inspector ruled the building unsafe.⁷³ Planned Parenthood set up a temporary location while it made plans to rebuild, the cost of which will be \$250,000. No one has been arrested for the crime.⁷⁴

- On September 30, 2015, there was another arson attack at a Planned Parenthood clinic in Thousand Oaks, California. At 11:30 p.m., a suspect wearing a face mask used a rock to break a window, threw a container of gasoline, and ignited the flames. The sprinkler system put out the fire, but the clinic was closed for five days. The same clinic was vandalized in August 2015. No arrest has been made.⁷⁵
- On August 1, 2015, there was an arson attack at the construction site of a new Planned Parenthood clinic in New Orleans, Louisiana. At 3:45 a.m., firefighters found a vehicle on fire inside a locked gate at the site. Protestors have targeted the future clinic's site since construction started in May 2013.⁷⁶
- On July 19, 2015, a fire was lit outside the front door of a Planned Parenthood clinic in Aurora, Illinois. The attempted arson is under investigation but no arrest has been made.⁷⁷
- On July 9, 2012, Francis Grady was found guilty on federal arson charges for starting a fire at a Planned Parenthood clinic in Grand Chute, Wisconsin in early April 2012. During the trial, Grady said he set the fire to "release the children" and that when the building caught fire he "saw souls coming out of the windows." Gray was sentenced to 11 years in prison.⁷⁸
- On January 1, 2012, Bobby Joe Rogers firebombed the American Family Planning Clinic in Pensacola, Florida. The fire completely destroyed the clinic and the building has since been razed. Rogers pled guilty to arson and damaging a reproductive-health facility and was sentenced to 10 years in federal prison. The building had been the site of anti-choice violence before – the double murder of Dr. John Britton and Clinic Escort James Barrett in 1994 and a bombing in 1984.⁷⁹
- On July 4, 2005, an arsonist climbed to the roof of Presidential Women's Center in Palm Beach, Florida and started a fire which spread throughout the clinic.⁸⁰
- On May 28, 2000, the Concord Feminist Health Center in Concord, New Hampshire, suffered extensive damage from arson with estimated damage of \$20,000.⁸¹
- In October 1999, a federal jury convicted Martin Uphoff of setting fire to a Sioux Falls, South Dakota, Planned Parenthood abortion clinic. He was sentenced to 60 months in prison. Uphoff was previously convicted of vandalizing the clinic and was ordered not to picket there. Although the fire did not cause any injuries and cost the facility \$100 in damages, clinic manager Carolyn Woodley said, "It's not the amount of damage that is of importance here. . . . It's the intimidation, the threats, the attempt to provoke fear among clinic staff, among patients."⁸²

CHEMICAL VANDALISM:

- On March 3, 2014, Zachary Klundt vandalized All Families Healthcare in Kalispell, Montana, by dousing it in iodine, spraying it with a fire extinguisher, and smashing the remaining equipment. Klundt was convicted of felony burglary, criminal mischief, and theft directly related to the clinic vandalism. He was sentenced to five years in prison and ordered to pay more than \$600,000 in restitution.⁸³ This was not the first time this particular provider had been attacked: in 1994, an anti-choice extremist firebombed the very same clinic.⁸⁴
- Between late May and early July 1998, 19 abortion clinics in Florida, Louisiana, and Texas were vandalized with butyric acid, an extremely noxious industrial chemical, sending clinic staff and patients to hospitals with respiratory problems and nausea and closing clinics for weeks at a time.⁸⁵ Clean-up after such an attack requires replacement of equipment, floorboards, and anything the chemical contacts.⁸⁶
- Since 1991, abortion clinics have been subject to at least 100 incidents of noxious chemical vandalism, with estimated total damages of over \$1 million.⁸⁷

OTHER VIOLENCE:

- On October 21, 2015, a Planned Parenthood clinic in Claremont, New Hampshire was attacked. A juvenile who was arrested at the scene broke in and used a hatchet to destroy medical equipment, exam rooms, computers, phones and plumbing fixtures, flooding the entire clinic. The clinic was closed nearly six weeks for repairs. The same health center was vandalized earlier that month; someone spray painted “murderer” on the building.⁸⁸
- In spring 2012, a series of burglaries and fires that targeted several reproductive-health clinics in the Atlanta, Georgia area put clinics all over the country on alert and launched an FBI investigation. While no specific cause or perpetrator has yet to be identified, clinic staff surmised that it could be connected to their vocal opposition to a new state law that bans abortion after 20 weeks.⁸⁹
- On July 4, 2002, around 1:00 a.m., an unknown person fired at least five bullets at a Planned Parenthood clinic in Brainerd, Minnesota. This same clinic was destroyed by firebombs in 1994. Less than three weeks after the Brainerd incident, another Minnesota Planned Parenthood clinic, in Grand Rapids, was struck by at least seven bullets fired from a shotgun and a handgun at around 3:00 a.m.
- On December 1, 2000, an unknown person fired at least 25 bullets into a suburban Kansas City, Kansas reproductive-health center. The shots were fired after 2:00 a.m. from outside the clinic.⁹⁰

In September 2000, Rev. John Earl, a Catholic priest, smashed his car into the sole abortion clinic in Rockford, Illinois, and then proceeded to attack the clinic with an ax, until the building’s

owner fired warning shots from a shotgun to stop him. At an annual anti-abortion rally held a day after the attack, anti-choice activist Jeff O'Hara commented, "It's hard to support those kinds of actions when you stand for life, but we definitely do support him in standing up for life." Earl was charged with burglary and felony criminal damage to property.⁹¹ On February 14, 2001, Earl pleaded guilty to charges of property damage and was sentenced to 30 months of probation and nearly \$8,000 in fines and restitution.⁹²

Abortion Providers Routinely Face Threats and Intimidation

Abortion opponents across the country use threats to harass and intimidate doctors and their family members, including young children. Since 1998, there have been 663 anthrax or bioterrorism threats against abortion providers.⁹³ This conduct is part of a deliberate campaign to eliminate women's access to abortion by closing clinics and terrorizing health-care providers.

ANTHRAX THREATS:

- Through anthrax threats, opponents of choice exploited the tragedy of September 11, 2001 to spread a message of hate and intolerance. Shortly after the terrorist attacks, letters containing anthrax were sent to media and Senate offices, and hundreds of anthrax threats were sent to reproductive-health clinics. Between October 15 and 23, 2001, more than 250 abortion and family-planning clinics in 17 states and the District of Columbia received letters purporting to contain anthrax. In each instance, a powdery substance was accompanied by a letter stating, "You have been exposed to anthrax. We are going to kill all of you."⁹⁴ An additional 270 letters were sent to clinics during the first week of November. Fortunately, all of the letters to the clinics tested negative for anthrax.⁹⁵
- Unfortunately, this was neither the first nor last time that clinics received anthrax threats by mail. Reproductive-health centers in at least 21 states received letters claiming to have anthrax in January 2000.⁹⁶ In February and June, 1999, more than 30 clinics received anthrax threat letters.⁹⁷ In October 1998, one week after the murder of Dr. Slepian, four abortion clinics in three states received letters purporting to contain anthrax. Although some health centers were closed and staff decontaminated, none of the letters were found to contain biohazards.⁹⁸ In January 2002, letters containing white powder and biblical quotations were sent to more than 20 clinics and several reproductive rights organizations.⁹⁹

ANTI-CHOICE ACTIVIST CLAYTON WAAGNER

In September 1999, police captured Clayton Waagner, who was on a self-described mission from God to kill abortion providers. Waagner had stolen cars, amassed guns, and compiled information on abortion providers throughout the eastern United States. He described his mission by stating, "I figured for every one I killed, I'd get another one to quit."

In February 2001, Waagner escaped from an Illinois jail. In June 2001, a person purporting to be Waagner posted a letter on the Army of God website. The letter stated, "God did not rescue me from life in prison for my pleasure. . . . He freed me to make war on those who profit from the merciless murder of His children. And a war it shall be." Waagner vowed to target abortion-

clinic employees because they are easier to get to than doctors, stating, "I'm leaving the big guys alone. I'm going after everyone else. Anyone who works at an abortion location or Planned Parenthood (I don't care if their location actually performs abortions or not. ALL Planned Parenthood locations are targets). It doesn't matter if you're a nurse, receptionist, bookkeeper, or janitor, if you work for the murderous abortionist I'm going to kill you."¹⁰⁰

Waagner was re-captured on December 5, 2001, in Springdale, Ohio. Since then, he has admitted to federal authorities that he mailed more than 550 fake anthrax letters. In April 2002, Waagner was convicted for charges of weapons violations and stolen vehicles in Ohio. He was sentenced to 19 years and seven months, a term he will serve after completing a 30-year sentence in Illinois for other offenses. In addition, he faces charges of federal bank robbery in Pennsylvania and West Virginia, car theft in Mississippi, and possession of a pipe bomb in Tennessee.¹⁰¹

In December 2003, Waagner was found guilty of the anthrax threats and was convicted by a federal jury of more than 50 federal charges including mailing threatening communications, violating FACE, and threatening to use a weapon of mass destruction.¹⁰² In his closing argument, Waagner, who acted as his own attorney, stated, "it's been clearly demonstrated that I am the anti-abortion extremist, a terrorist to the abortion industry. There's no question there that I terrorized these people any way I could. I did it systematically. I did it over a period of time. I worked as hard as I could to do that."¹⁰³

BOMB THREATS:

- On June 8, 2006, Robert Weiler Jr. was arrested by authorities in Maryland for building a pipe bomb he allegedly wanted to use to attack a local reproductive-health clinic. According to a sworn affidavit, Weiler admitted to federal agents that he planned to bomb the Metropolitan Family Planning Institute and "shoot doctors who provided abortions." He was charged with four federal crimes, including possession of an unregistered destructive device and a stolen firearm, each of which carries a maximum penalty of 10 years in prison. On October 27, 2006, Weiler pleaded guilty to several federal charges. Under terms of a plea agreement, Weiler will serve a five-year sentence for his guilty pleas on two firearms charges and a charge of attempting to destroy or damage a reproductive-health clinic.¹⁰⁴
- On November 3, 1998, Planned Parenthood in Milwaukee, Wisconsin received a brown envelope in the mail. Inside the envelope, a hoax bomb was constructed out of two AA batteries with wire wrapped in modeling clay. A message written on white paper stated "Boom The next one might be real. Stop killing babies." The next day, Milwaukee's Affiliated Medical Services received a similar mailing.¹⁰⁵
- In 1997, shortly after clinic bombings in Atlanta and Oklahoma, Oregon physician Peter Bours received a letter that demanded \$50,000 in cash and threatened, "The bombings in Atlanta and Oklahoma are a warning. The abortionists who comply to our demands will be spared from destruction." The letter was signed "National Anti-Abortion League." The FBI

later arrested William Kitchens Jr. Authorities reportedly discovered a book on extortion and kidnapping in Kitchens' home.¹⁰⁶

FAMILY MEMBERS AND OTHERS AT RISK:

- In 2010, Dr. LeRoy Carhart, an abortion provider based in Nebraska – one of only a few nationwide who provide abortion care later in pregnancy – opened a clinic in Germantown, Maryland. While anti-choice extremists have a long history of targeting Dr. Carhart, in September 2011 they expanded their attacks by targeting the landlord of the building where the clinic rents space. Anti-choice activists set up a demonstration with vivid illustrations outside the middle school during a back-to-school night event where the landlord's daughter attends the sixth grade.¹⁰⁷
- Dallas physician Norman Tompkins and his wife have received hundreds of anonymous phone calls and pieces of hate mail.¹⁰⁸ A message left on Dr. Tompkins' answering machine stated: "I'm going to cut your wife's liver out and make you eat it. Then I'm going to cut your head off. . . ."¹⁰⁹ Protestors with bullhorns have repeatedly demonstrated at Dr. Tompkins' home at 7:00 a.m. on Saturdays. On several occasions, the Tompkins have required a police escort to attend Sunday church services.¹¹⁰

INTERNET THREATS AND INTIMIDATION:

- **The Nuremberg Files.** In February 1999, a federal jury ordered two anti-abortion groups and 12 individuals to pay \$109 million to Planned Parenthood of Columbia/Willamette, the Portland Feminist Women's Health Center, and several physicians, finding that the Nuremberg Files web site, a Deadly Dozen poster, and a wanted poster constituted true threats not protected under the First Amendment.¹¹¹ Designed to collect information to use against abortion providers, clinic staff, law-enforcement officers, judges, and politicians in future trials for their "crimes against humanity," the Nuremberg Files web site seeks and lists personal information such as: photos of the individuals, their families, their friends, their houses, and their cars; driving records; license plate numbers; and names and birth dates of the individuals and their family members. The legend that accompanies this list of names indicates: black font (working); greyed-out name (wounded); and strikethrough (fatality). Within hours of the assassination of Buffalo abortion provider Dr. Barnett Slepian, a line appeared through his name.¹¹²

In May 2002, the Ninth Circuit affirmed the jury verdict. As the court recognized, "By replicating the poster pattern that preceded the elimination of [Drs.] Gunn, Patterson and Britton, and by putting [the plaintiff doctors on the Nuremberg Files web site] that scores fatalities, ACLA was not staking out a position of debate but of threatened demise. This turns the First Amendment on its head." The U.S. Supreme Court has refused repeatedly to review this case, allowing the verdict against the defendants to stand.¹¹³

- **Webcast of Clinic Entrances.** In May 2001, the Nuremberg Files' creator, Neal Horsley, announced the launch of an ongoing Web cast of clinic entrances around the country. The website, www.abortionscams.com, contained still photographs of women entering

reproductive-health centers and called them “homicidal mothers” and “infanticides who must be punished.” The site also had streaming video footage from outside clinics and encouraged activists to take the material from the site to local cable stations. As of November 2008, anti-choice activists in 29 states and the District of Columbia supplied Horsley with pictures and he recruited anti-abortion activists to become “reporters, news photographers and camera people” for his “Christian Gallery News Service.” He claimed that as journalists, they would be entitled to the “full protection of the First Amendment Freedom of the Press.”¹¹⁴

INTIMIDATION OF A WICHITA CLINIC’S EMPLOYEES: A CASE STUDY IN ANTI-CHOICE HARRASSMENT

No longer legally allowed to blockade abortion reproductive-health centers, Operation Rescue, a group of radical anti-choice protesters, has resorted to a new strategy in its efforts to shut down Women’s Health Care Services in Wichita: systematic harassment of clinic employees and companies doing business with the clinic.

Operation Rescue subjects clinic workers to relentless attacks. The group rummages through employees’ home garbage, follows employees while they run errands, pickets them at restaurants, and mails hundreds of postcards to their neighbors – providing personal information and encouraging the neighbors to harass them into quitting their jobs. Operation Rescue also stages protests in front of clinic employees’ homes, parking a tractor-trailer plastered with pictures of dismembered fetuses outside and displaying posters with personal employee information.

Additionally, Operation Rescue has compiled a list of more than 200 so-called “abortion collaborators” – companies that do business with the clinic and its employees. Using information gathered from rummaging through garbage and stalking employees, the group approaches each company and attempts to convince it to sever its relationship with the clinic and its employees. If the company fails to agree to the group’s demands, Operation Rescue threatens to picket the business in an effort to create a city-wide boycott.¹¹⁵

THREATENING FUTURE ABORTION PROVIDERS:

- A 14-page “joke” booklet was distributed by the anti-choice group Life Dynamics to more than 33,000 medical students. The jokes recommended that physicians who provide abortion care should be shot, attacked by dogs, and buried in concrete. One medical student who received the booklet the same day Dr. Gunn was murdered stated: “It was very upsetting. . . . [T]he jokes all describe ob-gyns who perform abortions as people who should be killed. It’s an attempt to discourage people [in medical] training from even thinking about doing abortions.”¹¹⁶
- Life Dynamics also has begun distributing a pamphlet targeting potential providers of mifepristone (RU 486). Entitled “RU Crazy? One Little Pill Could Destroy Your Medical Practice,” the pamphlet warns potential providers that “[p]hysicians who perform chemical

abortions will be identified, labeled, exposed, stigmatized, ostracized, and in every way treated exactly the same as conventional abortionists.”¹¹⁷

UNRELENTING THREATS

According to physician Pablo Rodriguez, “[I]n the beginning, the harassment consisted of just nasty letters and graphic pictures of dismembered fetuses. Then I began receiving strange packages with dolls inside, as well as subscriptions to gun magazines.... Then the ‘Wanted’ posters with my picture on them began to appear.... Then the doors and locks to our clinic were glued several times, and protesters blockaded the clinic three times... Just after Dr. Gunn’s death... I realized that my car was steering poorly. I checked my tires and found 45 nails embedded in them... That evening, my wife painfully discovered with her foot that our driveway had been booby-trapped with roofing nails cleverly buried beneath the snow.... My home, my haven of safety – violated.”¹¹⁸

Physicians and Staff Must Take Extraordinary Protective Measures

Physicians and other clinic workers face the possibility of anti-choice terrorism and violence in order to provide women with essential reproductive-health services. In the wake of killings and harassment, abortion providers are resorting to extraordinary measures to protect themselves.

- Clinics are spending thousands of dollars on bulletproof glass, armed guards, security cameras, metal detectors, and other security measures. Doctors are wearing bulletproof vests and arming themselves with handguns and other weapons. Some have even purchased armored vehicles.¹¹⁹
- Clinic workers have been instructed by federal marshals to vary their routes to work, to drive to a safe haven if followed, and to call police if they receive a suspicious package, as it could contain a bomb.¹²⁰
- Rochester, New York abortion provider Dr. Morris Wortman carried a gun and wore a bulletproof vest to work immediately after the deadly shooting of Dr. Barnett Slepian. His clinic also has thick bulletproof glass and a video surveillance system. In 2002, Dr. Wortman had a protective concrete wall built along the side of the clinic adjacent to a day-care facility. Explaining the barrier’s construction, Dr. Wortman stated, “There are kids over there every day . . . I had the berm [wall] put up for their protection. If we ever get bombed, the berm would hopefully deflect any debris from hitting the day care center.”¹²¹
- Boston, Massachusetts abortion provider Dr. Maureen Paul no longer sits in the third-floor atrium she built for herself as a dream spot. In light of Dr. Slepian’s murder in his home, she feels too vulnerable there, which, according to Paul, “really makes me angry because, wow, this is the space I created for me. I don’t get to be home very often and so it really, really disturbs me that I have to think about getting shot in a place I love.”¹²²

- Like many other clinic directors, Dr. Hern, an abortion provider and director of a Boulder, Colorado reproductive-health center, installed bulletproof glass in his office, hired private armed security guards, and wears a bulletproof vest at some of his public appearances. Stated Dr. Hern, “I walk out of my office and the first thing I do is look at the parking garage that the hospital built two doors away and see if there is a sniper on the roof. I basically expect to be shot any day. . . . It’s a war zone. . . . It’s very frightening and it ruins your life.”¹²³

Conclusion

Although federal state, and local clinic-protection laws have alleviated some forms of violence against reproductive-health centers, it is clear that the threats, intimidation, and violence against clinic providers and staff continue. These actions hinder access to abortion services and threaten the lives of those dedicated to ensuring a woman’s right to choose. Given the violent attacks in the wake of a campaign to smear Planned Parenthood, it is vitally important that lawmakers reassess what further actions can be taken to protect patients and providers.

January 1, 2016

Notes

¹ The National Abortion Federation’s (NAF) statistics include incidents from both the United States and Canada. NAF derives most of its statistics from its members, most of whom are in the United States. NAF, *NAF Violence and Disruption Statistics: Incidents of Violence & Disruption Against Abortion Providers* at http://5aa1b2xfmfh2e2mk03kk8rsx.wpengine.netdna-cdn.com/wp-content/uploads/Stats_Table_2014.pdf (last visited Sept. 29, 2015); Julie Turkewitz and Jack Healy, *3 Are Dead in Colorado Springs Shootout at Planned Parenthood Center*, New York Times, Nov. 27, 2015, available at http://www.nytimes.com/2015/11/28/us/colorado-planned-parenthood-shooting.html?_r=0 (last visited Dec. 11, 2015).

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⁴ The U.S. Supreme Court upheld Colorado’s law establishing a no-approach zone to protect patients and clinics from violence, harassment, and intimidation. *Hill v. Colorado*, 530 U.S. 703 (2000). The Supreme

Court also upheld a challenge to a Florida court's decision to extend certain injunctions against protestors for one clinic in that state. *Madsen v. Women's Health Center*, 512 U.S. 753 (1994). The First Circuit also ruled against multiple challenges to a Massachusetts law establishing a similar no-approach zone. *McGuire v. Reilly*, 386 F.3d 45 (2004), *cert. denied*, 544 U.S. 974 (2005); *McCullen v. Coakley I*, 571 F.3d 167 (2009), *cert. denied*, 130 S.Ct. 1881 (2010); *McCullen v. Coakley II*, 759 F.Supp.2d 133 (2010). Additionally, courts have upheld North Carolina and Wisconsin's clinic protection laws. *Hoffman v. Hunt*, 126 F.3d 575 (4th Cir. 1997), *cert. denied*, 523 U.S. 1136 (1998); *State v. Migliorino*, 442 N.W.2d 36 (Wis. 1989), *cert. denied*, 493 U.S. 1004 (1989).

⁵ *McCullen v. Coakley*, 134 U.S. 2518 (2014)

⁶ 18 U.S.C.A. § 248 (1994).

⁷ 18 U.S.C.A. § 248 (a)(1).

⁸ 18 U.S.C.A. § 248 (a)(2).

⁹ 18 U.S.C.A. § 248 (a)(3).

¹⁰ 18 U.S.C.A. § 248 (b) & (c).

¹¹ 18 U.S.C.A. § 248 (d).

¹² Statutes with full descriptions can be found at NARAL PRO-CHOICE AMERICA & NARAL PRO-CHOICE AMERICA FOUNDATION, *Who Decides? The Status of Women's Reproductive Rights in the United States* (25th ed. 2016), available at www.WhoDecides.org.

¹³ COLO. REV. STAT. ANN. § 18-9-22 (1993); MONT. CODE ANN. § 45-8-110 (2005).

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¹⁶ *Scott v. Colorado*, 13A929 (2014); Order list : 574 U.S. Cert denied, 13-1481, (Nov. 3, 2014).

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