

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA and THE STATE OF CONNECTICUT, as parens patriae, Plaintiffs

v.

STANLEY G. SCOTT, BOBBY J. RILEY, and CARMEN E.F. VAZQUEZ, Defendants.

3:95 CV 01216 (AHN)
July 12, 1996

SECOND AMENDED COMPLAINT

THE UNITED STATES OF AMERICA and THE STATE OF CONNECTICUT, plaintiffs, allege that:

1. This complaint is filed by the Attorneys General of the United States and the State of Connecticut pursuant to the Freedom of Access to Clinic Entrances Act ("FACE"), 18 U.S.C. § 248 (1994), enacted into law May 26, 1994. The State Attorney General brings this action in the name of the State of Connecticut as parens patriae on behalf of natural persons residing in the State of Connecticut. In bringing this Complaint, the Attorneys General have reasonable cause to believe that defendants Stanley G. Scott, Bobby J. Riley and Carmen E.F. Vazquez have in the past and will likely again in the future commit violations of FACE in connection with the Summit Women's Center ("Summit") in Bridgeport, Connecticut. Summit is a clinic that provides reproductive health services. Plaintiffs seek to ensure that the defendants are enjoined from committing future violations of FACE.

JURISDICTION, STANDING AND VENUE

2. This Court has jurisdiction over this action under FACE, 18 U.S.C. §§ 248(c)(2) and (3), and 28 U.S.C. § 1345.
3. Plaintiffs have standing to initiate this action pursuant to FACE, 18 U.S.C. §§ 248(c)(2) and (3).
4. Venue in the District of Connecticut is proper pursuant to 28 U.S.C. §§ 1391(b)(1) and (b)(2). All the defendants reside in this judicial district, and all the events giving rise to this Complaint occurred in this judicial district.

DEFENDANTS

5. Defendant STANLEY G. SCOTT is a resident of Connecticut, residing at 97 Benson Place, Fairfield, Connecticut.
6. Defendant BOBBY J. RILEY is a resident of Connecticut, residing at 32 Knox Street, Apartment C5, West Haven, Connecticut.
7. Defendant CARMEN E.F. VAZQUEZ is a resident of Connecticut, residing at 335 Captain Thomas Boulevard, Unit 62, West Haven, Connecticut.

FACTUAL ALLEGATIONS

8. The Summit Women's Center, located at 211 Middle Street, Bridgeport, Connecticut 06604, is a clinic that provides reproductive health services, including services relating to pregnancy and pregnancy termination, to women residing in the greater Bridgeport area. Summit serves a primarily lower income population.
9. Summit is open to clients each Tuesday through Saturday, starting at 7:45 a.m. Services relating to terminations of pregnancies usually are provided on Tuesdays, Wednesdays and Saturdays. Generally, the greatest number of appointments for these services occur on Saturdays.

10. Summit is located in a three-story building at 211 Middle Street. There is no frontage for the building, leaving the clinic's only public entrance directly at the edge of a public sidewalk. The entrance is approximately six feet deep and six feet wide at the door, broadening to nine feet wide where it meets the sidewalk. The distance from the front of the entryway to the street is 13.5 feet. The distance between the clinic entrance and the nearest public parking lot is over 100 feet. The next closest public parking lot is a city block away from the clinic.

11. Since opening in 1975, Summit has been subjected to intense and persistent anti-abortion protests by a group of regular demonstrators. The greatest number of protesters appear at the clinic on Saturdays. The usual number of protesters on Saturdays ranges from 15 to 20 individuals. In recent years, the number of Saturday protesters swelled about once a month when a local church group comprised of adults, teenagers and children, known as the "TRUTH Squad," came to protest. Each Tuesday, approximately six to eight protesters gather at the clinic to demonstrate. On Wednesdays, defendant Scott is frequently the only demonstrator at the clinic. Occasionally, Scott is joined by other demonstrators on Wednesdays. Scott also demonstrates at Summit on Tuesdays and Saturdays, rarely missing a day. The other defendants protest regularly on Tuesdays and/or Saturdays.

12. In or around the spring of 1993, due to concerns about the safety and well-being of clinic doctors, clients and staff stemming from the activities of the protesters, students from Wesleyan University, located in Middletown, Connecticut, began to volunteer as escorts at Summit. In or around July 1993, local citizens joined as volunteer escorts at Summit. These volunteers provide escort services at the clinic every Tuesday and Saturday. The escorts' sole purpose is to ensure the safe access to and exit from Summit by the clinic's staff, doctors and clients and those accompanying them. The escorts are given written instructions, which include the procedures for meeting the potential clinic client as she approaches the clinic, such as asking whether she would like to be escorted into the clinic and whether she would like to take the arm of the escort.

13. Over the past several years, the protests at Summit frequently have been physically confrontational and obstructive. Protesters have pushed, shoved, bumped, stepped on or engaged in other physical contact with volunteer clinic escorts, staff and clients, and impeded their access to and egress from the clinic.

14. This physically confrontational and obstructive conduct has continued unabated since the enactment of FACE. The defendants, in particular, have engaged in a continuous and consistent pattern of physical contact and/or obstructing access and egress of clinic escorts, clients and staff to and from the clinic.

15. Defendants Scott and Riley have threatened clinic staff.

16. Since 1975, Summit has contracted with the Bridgeport Police Department to hire off-duty police officers to serve as security guards at the clinic on Tuesdays and Saturdays, and periodically has hired private security as well.

17. On various dates since the enactment of FACE, defendant Scott has pushed, shoved, bumped, stepped on and/or engaged in other physical contact with individuals who are or have been, or in order to intimidate such persons or any other person or class of persons from, obtaining or providing reproductive health services, including, but not limited to the following incidents:

- a. In or around July or August 1994, defendant Scott pushed escort Ann Scheps from behind as she was standing beside a clinic client's car.
- b. On or about January 14, 1995, defendant Scott pushed escort Anne Fogel as she was escorting a clinic client.
- c. On or about February 18, 1995, defendant Scott pushed two Wesleyan student escorts as they were escorting a clinic client to the bus stop.
- d. On or about February 18, 1995, defendant Scott pushed escort Lynda Bluestein as she was assisting a clinic client.

e. On or about February 21, 1995, defendant Scott pushed the clinic's private security guard, Randy Peterson, as he was attempting to assist a clinic client.

f. On or about March 14, 1995, defendant Scott pushed escort Barbara Arnn as she was escorting a clinic client.

g. On or about March 14, 1995, defendant Scott pushed escort Carol Broadman as she was escorting a clinic client.

h. On or about April 8, 1995, defendant Scott pushed clinic staffperson, Maria G. Melendez, as she was coming to work and escorting a clinic client.

i. On or about June 6, 1995, defendant Scott pushed escort Carol Broadman as she was escorting a clinic client.

j. On or about June 24, 1995, defendant Scott pushed escort Corinne Charlap as she was escorting clinic clients.

k. On or about July 11, 1995, defendant Scott kicked escort Joann Davidson as she was escorting a clinic client.

l. On or about July 25, 1995, defendant Scott pushed escorts at Summit as they were escorting clinic clients.

m. On or about October 16, 1995, defendant Scott bumped escort Joann Davidson as she was escorting clinic clients.

n. On or about December 2, 1995, defendant Scott pushed escort Norman Harris as he was escorting clinic clients.

o. On or about December 23, 1995, defendant Scott pushed escorts at Summit as they were escorting clinic clients.

p. On or about April 13, 1996, defendant Scott pushed escorts Lynda Bluestein and Norman Harris as they were escorting clinic clients.

18. Defendants Scott and Vazquez engage in varying degrees of obstructive conduct on a regular basis at Summit. Two examples of this conduct are: 1) a demonstrator getting in front of clinic escorts, clients or companions as they are being escorted into the clinic and slowing down or coming to a complete stop so as to impede the ability of these individuals to continue walking; and 2) a demonstrator making it unreasonably difficult for clinic clients or their companions to get in or out of their cars when going to or leaving Summit.

19. Incidents of obstructive conduct by defendants Scott and Vazquez include, but are not limited to:

a. On or about February 21, 1995, defendant Scott obstructed a clinic client from exiting a car.

b. On or about February 25, 1995, defendant Scott obstructed a clinic client from exiting a car.

c. On or about March 14, 1995, defendant Scott obstructed a clinic client from exiting a car.

d. On or about April 4, 1995, defendant Vazquez obstructed a client as she was approaching the clinic.

e. On or about April 18, 1995, defendant Scott obstructed free passage to the clinic.

f. On or about May 23, 1995, defendant Vazquez obstructed a clinic client from exiting a car.

20. Frequently, when the TRUTH Squad, Operation Rescue and/or other anti-abortion groups demonstrate at the clinic, the sheer number of individuals who converge in front of the clinic and its narrow entryway impedes clinic staff's, escorts' and clients' access to and egress from the clinic.

21. Clinic clients frequently tell demonstrators, including the defendants, that they are not interested in talking or listening to them and ask to be left alone. The clinic clients' requests almost always go unheeded.

22. Defendants Scott and Vazquez routinely yell directly into the clinic entryway or up toward the second floor of the clinic building where the clinic's waiting room is located. This yelling can be heard inside the clinic waiting area.

23. Prior to the clinic-related murders in Brookline, Massachusetts on December 30, 1994, defendant Scott had made a threatening statement to the clinic administrator. Shortly after the murders, both defendants Scott and Riley made threatening statements to clinic employees and others:

- a. On or about December 3, 1994, defendant Scott said to clinic administrator Jeanne Rosen, "you may be young, but you can still die early."
- b. On or about January 3, 1995, soon after the Brookline murders, defendant Riley said to Summit employee, Milagros Luna, "'95, you are next."
- c. On or about February 21, 1995, defendant Scott said to the private security guard, "[a] bullet could come your way today."
- d. On or about April 15, 1995, defendant Scott threatened a Bridgeport police officer.

24. Defendants' conduct has and continues to injure and/or intimidate clinic staff, clients and escorts and/or interfere with the ability of staff to provide, and clients to obtain, reproductive health services. Clinic clients are often brought to tears and made extremely agitated by defendants' conduct. This agitation increases the medical risk of the procedures that these patients undergo.

25. On information and belief, defendants engaged in the conduct described in paragraphs 13 through 15, 17 through 19, and 21 through 24 with intent to injure, intimidate and/or interfere with the ability of Summit and its staff to provide reproductive health services and with the ability of Summit's clients to obtain those services.

CAUSES OF ACTION FOR VIOLATIONS OF 18 U.S.C. § 248

26. Plaintiffs reallege and replead paragraphs 8 through 25 as though fully set forth here.

27. Defendants Scott and Vazquez by use of force and/or obstruction have intentionally injured, intimidated or interfered with, or attempted to injure, intimidate or interfere with Summit, its staff, clients and escorts who are or have been obtaining or providing reproductive health services.

28. Defendants Scott and Riley by threat of force have intentionally injured, intimidated or interfered with, or attempted to injure, intimidate or interfere with Summit, its staff, clients and escorts who are or have been obtaining or providing reproductive health services.

29. The actions of defendants described above constitute violations of 18 U.S.C. § 248.

30. Unless restrained by this Court, defendants will continue to engage in the conduct and practices alleged above.

PRAYER FOR RELIEF

31. The Attorneys General are authorized under 18 U.S.C. § 248(c)(2)(B) and (c)(3)(B) to seek temporary, preliminary or permanent injunctive relief from this Court for a violation of FACE.

32. Plaintiffs seek a permanent injunction that would enjoin the defendants, their officers, agents, servants, employees and attorneys, and those persons in active concert with them from violating, or from aiding, abetting, directing or inciting others to violate, the provisions of the Freedom of Access to Clinic Entrances Act, 18

U.S.C. § 248, by using force, threat of force or physical obstruction to intentionally injure, intimidate or interfere with, or attempt to injure, intimidate or interfere with, any person who is or has been, or in order to intimidate such person or any other person or any class of persons from, obtaining or providing reproductive health services, including but not limited to the following conduct:

- a. Pushing, shoving, bumping, stepping on or engaging in other physical contact with any person who is or has been, or in order to intimidate such person or any other person or class of persons from, obtaining or providing reproductive health services;
- b. Threatening, either orally or in writing, any person who is or has been, or in order to intimidate such person or any other person or class of persons from, obtaining or providing reproductive health services;
- c. Impeding or obstructing free access to or egress from the entrance of Summit Women's Center;
- d. During the period from Monday through Saturday, between the hours of 7:00 a.m. and 6:00 p.m., within a one half-mile radius of Summit Women's Center:
 - (1) Congregating, picketing, patrolling, demonstrating, counselling or coming within five feet of an automobile occupied by a person who is or has been, or in order to intimidate such person or any other person or class of persons from, obtaining or providing reproductive health services, in a manner that obstructs, impedes or interferes with, or attempts to obstruct, impede or interfere with, the movement of the automobile or the ingress or egress of any occupant of the automobile;
 - (2) Congregating, picketing, patrolling, demonstrating, counselling or coming within five feet of any person who is or has been, or in order to intimidate such person or any other person or class of persons from, obtaining or providing reproductive health services once that person indicates verbally that he or she does not want to accept or listen to any such communication or counselling.
 - (3) Congregating, picketing, patrolling, demonstrating, counselling or coming within 15 feet of any entrance to the Summit Women's Center, or in the street directly in front of the clinic that is marked as a no-parking zone;
 - (4) Yelling, shouting, loud singing, chanting, whistling, using bullhorns, auto horns, sound amplification equipment or other sounds within earshot of persons on the second or third floors inside Summit Women's Center.

33. Plaintiffs request that the Court grant such other and further relief as it deems just and proper.

Respectfully submitted,

THE STATE OF CONNECTICUT THE UNITED STATES OF AMERICA

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