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Abortion's Last Stand in the South: A Post-Roe Future Is Already Happening in Florida

Reports of harassment, disturbance and violence outside the state's clinics are skyrocketing, while the federal law meant to protect clinics doesn't cover the kind of tactics common today.

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For two decades, Kelly Flynn barely noticed the protesters who gathered almost daily along University Boulevard, the main public drag to the office park that houses her clinic, A Woman's Choice of Jacksonville. The signs, the chants, the occasional blocked sidewalk – they all went with the territory of running an abortion clinic in Florida, one of the last states in the South where abortion remains widely accessible. Most mornings, Flynn would take a back route to avoid them. As soon as she turned left onto University Center Drive, the quiet road fronting the clinic's two buildings, she almost forgot the protesters existed. The only people permitted to use the private road and parking lots were the medical staff who worked in the surrounding offices, their patients and approved visitors. Anyone else was trespassing.

All that changed on the morning of Dec. 1, 2020. The Jacksonville Sheriff's Office logged a call from the clinic shortly after 9 a.m.: Three protesters had infiltrated the clinic's defenses, staking out a spot on the private road. They parked in the lot next door, anti-abortion banners hanging from their cars. According to a sheriff's report, when officers arrived to remove them, "THEY PRETEND TO BE RENTERS." An hour later, the officers appended a correction – "PEOPLE HAVE AUTORIZATION (sic) BY PROPERTY OWNER TO BE ON PROPERTY." The police drove away; the protesters stayed.

That's when Flynn discovered she had a new neighbor: Gertrude Perez-Poveda, a former accountant in her early 70s who is a leader of Family for LIFE, a local anti-abortion group. Trudy, as everyone calls her, was known for picketing the nearby Planned Parenthood. Now she'd moved into a drab one-story building a couple of hundred feet from Flynn's clinic that had sat vacant while its owner, a doctor, faced prosecution for allegedly exposing himself to a patient. (He was convicted last year.) For \$1,000 a month, Perez-Poveda suddenly had 24/7 access to a room, a bathroom and – most importantly – the private road.

Just like that, Flynn's world shifted. She'd spent most of her adult life trying to make A Woman's Choice a refuge for women from around Florida and the South who couldn't get the reproductive care they needed closer to home. Now that safe haven, like abortion rights more broadly, was under siege. It wasn't just Flynn: Clinic owners across the state were under intense and rising pressure as protesters poured in from around the U.S. and home-grown groups like Family for LIFE became more aggressive and creative in their strategies.



Kelly Flynn stands outside her clinic, A Woman's Choice of Jacksonville in Florida. Credit: Malcolm Jackson for Reveal

As states across the South have drastically cut access to abortion, Florida has become a hot spot for the anti-abortion protest movement. Now with the U.S. Supreme Court poised to overturn *Roe v. Wade* – an eventuality that a [leaked draft opinion](#) all but confirmed this week – Florida is providing a glimpse of the future for states that keep abortion legal. As abortion is curtailed or banned across the country, the last remaining open clinics will offer protesters fewer and clearer targets. A Woman's Choice of Jacksonville is a case study in what they can expect.

In the year after Perez-Poveda signed her lease, Jacksonville Sheriff's Office records show 16 calls involving the clinic for physical confrontations, disturbance and harassment. On Dec. 4, 2020, Flynn's staff phoned police at 8:55 a.m. – "PROTESTORS WALKING UP AND DOWN THE DRIVEWAY, BLOCKING DRIVEWAY, HARASSING PATIENTS COMING IN AND OUT OF BLDG," the report said – and again at 9:33 a.m. But when officers showed up, they didn't observe any laws being broken, so they left. The next call came at 8:15 the following morning: "PROTESTERS TRESPASSING ON PROPERTY AND REFUSING TO LEAVE." Less than an hour later, an unnamed female protester placed her own 911 call, claiming, "THERE IS NO DOCTOR IN THE CLINIC."

... THEY ARE GIVING OUT THE ‘RU-486’ DRUG” – the abortion pill – “WHICH IS ILLEGAL WITHOUT A DOCTOR.” (In fact, clinic records confirmed the doctor was in attendance that day.) The protester urged police to take her seriously: “SHE KNOWS WHAT SHE IS DOING AND HAS BEEN DOING IT FOR 11YRS.”

So it went – a relentless stream of nerve-fraying, in-your-face interactions that Flynn was powerless to stop because the protesters had a right to be there and almost everything they did was legal under state and federal law. Many mornings, the picketers, wearing fluorescent vests, marched in single file, inches from the faded white stripe marking the clinic’s property lines, literally testing Flynn’s boundaries. On Saturdays, when the clinic was often at its busiest, they held “Eucharistic processions,” complete with robed priests, swinging bells and fervent renditions of “Ave Maria.” Perez-Poveda, a dark-haired dynamo who favored long, flowing skirts and sandals on the protest line, functioned as the conductor and videographer. Patients faced jeers and cameras as they drove down the private road; as an escort quickly led them into the clinic; and as they rushed out again, heads down, faces grim. Frightened, they barraged the clinic staff with questions: “What do they do with those pictures?” “Can they post them anywhere?” “Can they look us up?” The response – that protesters would likely need their permission to make photos public, and if a patient did see one posted, she could file a police report – wasn’t terribly definitive.

Surveillance footage caught one picketer hitting Flynn’s car with a sign. Another pushed a clinic escort who was filming them. A female protester reported that a clinic doctor accelerated her car as she pulled into the parking lot; the protester had “a gut feeling” that the doctor was displaying “malicious behavior” and “intentionally drove towards her to send her a message.” (An officer investigated and determined the car had actually appeared to be slowing down.)



Security camera footage from A Woman's Choice shows protesters using the easement alongside clinic owner Kelly Flynn's car. One hit her car with a sign as it drove past. Credit: Courtesy of A Woman's Choice

Flynn worried that the situation was dangerously volatile, that someone would snap, someone would get hurt. In the spring of 2021, it happened.

A 19-year-old woman arrived with her mother one Tuesday morning after driving from their home in a part of Georgia with no abortion clinics. About 10 Family for LIFE members had assembled in the usual place, waiting.

Some of the picketers yelled at the young woman as she walked toward the clinic entrance. Meanwhile, Perez-Poveda was taking photos and approached the family's car. Video surveillance captured what happened next: The young woman turned around – she'd forgotten her AirPods, she later told police – and saw what Perez-Poveda was doing. She marched up to the older woman and shoved her – hard – to the ground. Then she went into the clinic. Perez-Poveda stood slowly from the pavement, a bloody scrape on her left ankle, and called 911.

Police chose to refer the case to prosecutors, who charged the woman with battery. In Florida, if a victim is over the age of 65, battery is automatically a felony. At an age when many teenagers are planning their futures, the young patient was facing a life-altering criminal record. After her appointment, clinic staff bundled her in a blanket so protesters couldn't photograph her as she slid into the back of a patrol car. Then she went to jail for the night.

In the year and a half since Family for LIFE moved in next door, she is the only person police have arrested. Her case is still pending.

How Florida Became the Abortion Oasis of the South

Florida has a special place in the history of the abortion rights movement. In 1980, voters made it one of the few states to enshrine an express right to privacy in its [constitution](#): “Every natural person has the right to be let alone and free from governmental intrusion into the person's private life.” Four decades later, that protection – far broader than the federal right to privacy that underpins Roe and that a majority of the Supreme Court seems likely to reject – is the major reason that Florida, despite trending ultra-conservative in so many aspects of its politics, remains an important oasis for reproductive care. The state has 55 abortion clinics, more than

seven other Southeastern states combined; from 2017 through 2021, total abortions surpassed 360,000. Only California and New York are believed to have [higher counts](#).

Florida is also an essential “receiving state.” In the past five years, more than 16,000 people traveled there from other parts of the U.S. for abortion care. (These days, Flynn estimates, 20% of her Jacksonville patients are from outside Florida.) The increase in out-of-state patients was especially large during the pandemic, up a stunning 77% in 2020 from the previous year and another 14% last year. Dating from a time when Democrats and moderates still held significant sway in state government, the privacy provision has mostly thwarted lawmakers who favor the kind of tough restrictions that have swept through many other state legislatures. Florida continues to allow abortions up to 24 weeks of pregnancy, for example, later than many states. Even a new [15-week ban](#) that takes effect in July (after the Supreme Court finalizes its ruling) isn’t nearly as draconian as the near-total bans that would go into effect in [Texas](#), [Oklahoma](#) and about [two dozen other states](#) as soon as Roe is officially gone.

That reality – that a state where Republicans have long controlled every major lever of power had nearly 75,000 abortions last year – has been deeply frustrating to the national anti-abortion movement. Father Stephen Imbarrato, who calls himself the [“Protest Priest,”](#) is one of many activists who have swarmed to Florida in recent years. “If they were murdering 75,000 other people in any demographic, in any class, (lawmakers) surely would be acting differently,” he told me in a Zoom interview last winter. “... If they choose to do nothing, then they’re going to hear from me ... and I’m going to make as much trouble for them as I can.”

But the protest movement’s on-the-ground impact has been almost impossible to measure. Now, in a first-of-its-kind analysis, Reveal from The Center for Investigative Reporting has found that police calls across the state related to clinic harassment, disturbance and violence doubled over the past six years.

We examined more than 4,000 police call records for every clinic in Florida from 2016 through 2021, obtained through public records requests from dozens of law enforcement agencies. These records include calls by clinics to report harassment and by anti-abortion activists complaining about threats; we filtered out unrelated incidents such as traffic accidents and reports of domestic violence.

A Woman’s Choice of Jacksonville was among the clinics with the biggest increases in police calls, tripled compared with 2016. At another provider, American Family Planning in Pensacola, calls jumped 400%.

Most of the increase occurred at a small slice of the clinics. Three-quarters of the calls in our analysis came from 15 facilities.

Hundreds of calls were for relatively minor infractions such as trespassing and what police refer to as “suspicious” activity. But the majority in our analysis were more serious. At the Bread and Roses Women’s Health Center in Gainesville in May 2019, for example, a staffer reported that she believed a protester was stalking her outside her working hours; in a separate case a few months later, a woman whose daughter had an appointment at the clinic called and threatened, “I will kill that doctor if they kill my grandbaby. I will come there and kill them.” In Lakeland in June 2020, a man on a ladder yelled at patients and staff and menaced a passerby with mace, prompting an officer to note, “During my contacts with this group, it appears that they harbor very extreme Biblical views and may become a threat toward the clinic or any law enforcement officers that respond to this location.” None of those cases resulted in any charges.

At the Planned Parenthood in Fort Myers, a man tossed two Molotov cocktails into the clinic in October 2020 and later [pleaded guilty to arson](#); in January, dozens of protesters blockaded [the clinic’s entrance](#) and refused to leave, and several were arrested.

A few protesters also reported major threats against them, including an October 2020 incident in Orlando in which a man dropping off a patient pointed a gun at a demonstrator who approached his car.

A June 2020 incident at the All Women’s Health Center in Tampa was strikingly similar to the Georgia teenager’s case in Jacksonville. A picketer strapped a camera to her chest to record footage of patients and their cars, reading their license plates out loud as she filmed.

In the video, a woman leaving the clinic walked up to her and demanded, “Why are you taking a video of my car?” “It’s public record,” the protester responded, then chided the patient for having a sticker on her car that read, “In God We Trust.” “You’re supposed to be a Christian or something?” the protester sneered. The patient snatched the protester’s camera and threw it on the ground, then drove off. Police easily tracked down the patient and charged her with misdemeanor criminal mischief. But unlike in Jacksonville, the Hillsborough County state attorney’s office declined to prosecute, noting: “All 6 witnesses testified to the fact that the ‘victim’ was the instigator and aggressor.”

Our analysis found that only a small percentage of calls by either side ended in arrests. David S. Cohen, a Drexel University law professor and author of [two books](#) on the anti-abortion movement, said the legal line between harassment and free speech is often blurry. “The First Amendment protects speech. It protects aggressive speech. It protects distasteful speech,” he said.

Meanwhile, the main federal statute that protects abortion providers and patients didn’t envision the kind of behavior and tactics that many clinics are dealing with today. The [Freedom of Access to Clinic Entrances, or FACE, Act](#) was passed nearly 30 years ago, when anti-abortion activists were building barricades from scrap metal and chaining themselves to clinic doors. Now they’re wielding smartphones from a sliver of shared land and badgering the local police department, backed by powerhouse lawyers. What were issues of physical trespassing have morphed into questions about invasions of privacy in the digital era.

Since the act’s creation, according to a Reveal analysis of federal data, the U.S. Department of Justice has brought only 101 cases. That’s an average of just four a year.

Now, as the end of Roe appears imminent, abortion rights groups are predicting that acts of intimidation, harassment and violence will skyrocket. And they say providers and patients have precious few protections.

The Provider, the Protester, the Police

Kelly Flynn was already a seasoned abortion provider when she opened A Woman’s Choice of Jacksonville in 2002 at the age of 25, scraping together the down payment with a loan from her future (now former) mother-in-law. Flynn’s passion for her work was rooted in her own experience: In college, she had two abortions in one semester. “I was that person that people belittle when they say, ‘Well, don’t you know how this happened the first time?’ ” She’d been on the birth control pill – “samples that the clinic had given me, but I didn’t have any health insurance and I couldn’t afford it.” At the clinic for her second procedure, she ended up helping another patient she’d never met before, holding her hand and telling her she was going to be OK. Someone on the staff noticed, and the clinic offered to hire her on the spot. “I fell in love with the job,” Flynn said. “I felt needed.”

Flynn owns four clinics – the others are in North Carolina, where she grew up and went to college. They offer birth control, ultrasounds, HIV testing and adoption counseling, as well as medication and surgical abortions. Flynn’s overarching mission – to destigmatize a procedure that she considers a basic form of women’s health care – is

echoed on signs on the Jacksonville clinic's walls: "At this clinic we do sacred work that honors women and the circle of life and death" and "Good women have abortions."



Kelly Flynn in the waiting area of her clinic, A Woman's Choice. Credit: Malcolm Jackson for Reveal

One morning last fall, Flynn talked about the judgment that abortion patients face and how the people doing the judging often ignore the reality of women's lives. "Sometimes it's not a hard decision, it's a responsible decision," she told me. "What about the 11-year-old patient that was sexually assaulted by her brother, her father, her uncle? What about the 49-year-old woman who's already got four or five kids that are grown and through college? ... Or what if it's just somebody that says, you know, 'I don't want to be pregnant?'" Choosing to terminate an unwanted pregnancy "doesn't have to be an emotional decision," she said. "I know it was not for me." She mentioned her young son, whom she's raising as a single mom. "I don't think that I would be able to provide him with what I can now if I had had a baby 27 years ago."

Anti-abortion groups tried for years to breach the built-in buffer zone that came with Flynn's office park location. In 2010, the dentist across from A Woman's Choice told her he was selling his building – and that an anti-abortion group was looking to buy it. "And

I said, ‘No way, oh my God, what are we going to do?’ So I bought it.” The one-story building eventually housed her administrative offices and call center.

Another decade passed before Trudy Perez-Poveda found her way in. Digging around online, she discovered property documents that showed the private road was a “nonexclusive easement” that allowed tenants in the rest of the medical complex to come and go. When an office in the disgraced doctor’s building eventually came open, Perez-Poveda and her attorneys at the Chicago-based Thomas More Society, one of the country’s leading anti-abortion law firms, pounced. “Weren’t the abortionists surprised!” a [press release](#) quoted Thomas More senior counsel Matt Heffron as saying.



Trudy Perez-Poveda, shown in police body camera footage, talks to a police officer outside A Woman’s Choice in December 2021. Credit: Jacksonville Sheriff’s Office body camera footage

Jacksonville city officials and law enforcement seem to have been taken by surprise, too. A flurry of emails obtained by Reveal shows them scrambling to figure out how to respond to what one detective called “a delicate situation with several moving parts.” Once Perez-Poveda was acknowledged as a legitimate tenant, the biggest question was, what exactly were she and her fellow protesters allowed to do? As Flynn and her lawyer interpreted the property records, the easement permitted people to use the road only to enter and exit the various office buildings – “they have to keep walking,” Flynn told me. But Family for LIFE saw the situation differently. Sheriff’s Officer Bernard Clark, who was working an off-duty security detail at the clinic, emailed his higher-ups, “The protestors are walking in the middle of the roadway, having vehicles move from their

driving path in an effort to avoid hitting them, they will stop vehicles and speak with the occupants for a short period of time thereby causing a delay in the flow of traffic.” The protesters also constantly lobbied police, Clark reported. “When officers make contact with the individual protestors in reference to a violation of a State Statute that they have observed, the protestor scream out ‘public easement’ and that they have the chief of Zone 3 personal phone number.” Clark’s email was forwarded to various city and law enforcement officials, none of whom returned Reveal’s requests for comment. The Jacksonville Sheriff’s Office also declined to comment. Eventually, the email chain fizzled out with no clear action taken.

Jacksonville officials weren’t the only ones fielding calls – sometimes protesters made allegations so serious, state regulators had to get involved. Early on, someone complained that the clinic was distributing abortion pills without a doctor present; when the state Agency for Health Care Administration eventually investigated, it found nothing wrong. “Signed all her charts. She was here,” said the clinic’s manager, Michelle Mejia. The doctor had slipped in through the back entrance to avoid being hassled. Another time, Mejia recalled, someone alleged that the clinic’s doctors weren’t properly credentialed. “So (the state inspector) had to come back again and see through my doctors’ files that all of my doctors had their active license.” The fact that protesters faced no repercussions infuriated the staff, Mejia said. “You’re calling in a false report and just getting away with it.”

A couple of days after the Georgia teenager’s arrest, Family for LIFE’s leader delivered to police a letter on Thomas More Society stationery: “Mrs. Perez-Poveda was informed she would be given a citation or arrested if she continues to engage in conversation with drivers of cars stopped on the private, sparsely traveled roadway,” it read. “If you follow through on that threat ... you will be acting contrary to Florida law and in violation of (her) Constitutional rights.”

Frustrated at the law enforcement response, Flynn hired off-duty sheriff’s officers to regularly provide security, but many shifts went unfilled. Officer Gregory Hernandez Jr., who often worked Flynn’s detail, said the protesters complained to department brass so often that it caused him problems during his day job.

When protesters don’t get their way, he said, “they want to call a supervisor. The supervisor explains the same thing to them. They don’t like that. They want a different supervisor.” The protesters have their lawyers “on speed dial,” he said.

Hernandez spoke with me one morning last fall as he watched protesters gather on the grassy area outside their rented office. He made it clear that he was expressing his views as a private citizen, not as a representative of his department. “My second week here, I

saw them just belittle a female. Continuously harp on her, even though she was crying.” Sometimes the patients’ families were the targets. “They see a man and they want to tell him he’s not a man,” he said. “He’s less of a man because he lets his woman go in there.”

But there was little Hernandez could do about the taunting. “I’m just here to make sure nobody hurts anybody,” he told me.

‘We Don’t Need the Press. We Have Jesus Christ.’

I tried really hard to persuade Perez-Poveda to talk to me. I called her, I emailed her, and I approached her several times outside Flynn’s clinic. The closest I got to a response came during a Saturday religious procession last winter, when she waved her arms at her fellow picketers and proudly yelled, “This is my interview. This is what we’re about.”

“We don’t need the press,” another Family for LIFE member told me at a different day’s protest. “We have Jesus Christ. He’s our press.” He urged his fellow picketers, “Don’t say nothing to her. Just pray.”

Martin Cannon, senior counsel for the Thomas More Society, rejected the notion that Family for LIFE members are protesters. Perez-Poveda is “a very nice lady,” he told me when I reached him by phone. Protesters are “people who show up someplace where they’re not wanted, to make a lot of noise (and) get their message out there. Very possibly to break the law on purpose, get arrested on purpose, for the sake of making a symbolic point of some kind.” He insisted, “Our people aren’t out there for any of those reasons.” Rather, he said, his clients are “sidewalk counselors” trying to engage abortion-minded women in meaningful conversation. “You can’t protect the babies or the mothers who would be afflicted by abortion if you can’t have conversation,” he said. “So that’s why the First Amendment is so important.”

Cannon’s complaints about “the other side” were a distorted reflection of their complaints about his. “The other side basically has no conscience and they don’t speak the truth and they will make trouble for you if they can in any way,” he said. “The pro-abortion people have taken their cues ... from the antifa people and the Black Lives Matter people,” by which he says he means they “commit crimes against our people, assault them, obstruct them.” What’s more, he said, they “gaslight” and “cozy up to” police and prosecutors. “They try to get us charged with crimes we didn’t commit; they go into court and try to get us banned from the sidewalks.”

These are the same battles the Thomas More Society has drawn since its founding in 1997, Cannon told me. The difference now is that protesters and their lawyers are more

assertive and proactive. “If a police officer on the beat has a mistaken notion (about the law), we go to the police chief and we say, ‘Look here, your man’s making some mistakes out here. Can you straighten them out?’ ”

But, I wondered, if protesters are just trying to counsel patients, then why are they taking photos of them? Cannon defended the practice, which is legal in most states, including Florida. “The reason the pro-lifers film almost exclusively is to preserve evidence,” he said. “They get accused of things all the time, and the film is what helps them defend themselves.” What about complaints I heard from abortion rights groups that protesters sometimes follow clinic employees home and even picket on their street? Cannon didn’t see any inherent harm with those actions, either. “If (an abortion provider) is really that proud of what he does,” he said, “his neighbors ought to know about it.”

And what about fears I’ve heard, from Flynn and other abortion providers, that the escalating harassment isn’t just annoying – it poses a growing threat to them and their patients? Cannon insisted that the vast majority of protesters are peaceful. He dismissed concerns that clinic employees might even get killed. “I would say they’re more likely to get struck by lightning.”

How Killings in Florida Led to the FACE Act

In Florida, the possibility that anti-abortion extremism might turn deadly isn’t theoretical. A wave of anti-abortion violence across the country that started in the late 1970s reached a crescendo in Pensacola in 1993, when Dr. David Gunn was shot three times outside a clinic, becoming the first known [abortion provider to be killed](#) in the U.S. Sixteen months later, Dr. John Britton and his bodyguard, James Barrett, [were assassinated](#) at a different Pensacola clinic by an ex-minister who claimed that the killing of abortion doctors was justifiable homicide.

Weeks after his father’s slaying, David Gunn Jr., then a college student, testified before Congress in support of a bill making it a crime to intimidate, injure or interfere with abortion clinic staff or patients. “My father was murdered because no one took the appropriate measures beforehand to prevent this,” he told a House panel. “If we could have done this two years ago, this probably wouldn’t have happened now.”



At left, the family of Dr. David Gunn stands by his casket at his funeral after he was killed in 1993 for providing abortions. At right, abortion rights activists protest outside the Supreme Court after Gunn's murder. Credit: Left: Thomas S. England/Getty Images. Right: Jeffrey Markowitz/Getty Images

The bipartisan law that resulted, the FACE Act, empowered the Justice Department to bring criminal charges or civil lawsuits against people who commit acts of “force” or “threat of force” or “physical obstruction.” Violators can be banned from standing near clinic entrances, they can be ordered to pay damages and civil penalties, or they can face up to 10 years in prison if someone is hurt.

But today, the FACE Act's limitations have become clear. Gunn Jr., now an insurance adjuster in Alabama, was stunned by the scene at an abortion rights rally several years ago in Jackson, Mississippi, outside the clinic at the center of this year's blockbuster Supreme Court [case](#). Anti-abortion demonstrators blocked traffic to keep patients from going inside. Law enforcement seemed to be doing nothing, he said – or acting like there was nothing they *could* do. The question Gunn Jr. kept asking himself: “Where the fuck is FACE?”

To find out the answer, Reveal obtained a never-before-released list of every FACE case filed by the Justice Department since 1994 through the Freedom of Information Act. Early targets included the man who gunned down Britton and Barrett; an Alabama woman who, during a call with a TV reporter, threatened to kill another abortion doctor; and a California man who [set clinics on fire](#) in four states. Other cases were aimed at cracking down on the over-the-top clinic invasions and blockades that used to be ubiquitous.

But after an initial flurry of activity – 45 cases during the Clinton administration, 17 filings in 1995 alone – the numbers tapered off. The Trump administration caseload – a total of eight, or an average of two per year – was the lowest in the law’s history. (That may be changing; the Biden administration already has filed six FACE cases in its first 15 months in office.)

The overall trend reflects a reality that clinic providers can’t overcome: The FACE Act was carefully tailored to avoid criminalizing free speech. “Nothing in this section shall be construed ... to prohibit any expressive conduct (including peaceful picketing or other peaceful demonstration) protected ... by the [First Amendment](#),” the statute says. The intent of the law was to target things like death threats, arsons, blockades and destruction of clinic property, not name-calling or shouting through a megaphone.

It didn’t take long for protesters to adapt to the law’s limits, even as conservative law firms relentlessly pushed the boundaries of what is protected by the Constitution. Julie Abbate, a former Justice Department deputy chief who oversaw FACE civil cases from 2003 to 2018, often had to tell clinics she couldn’t take their cases. The FACE Act applies to physical obstructions, she said, not to activities that only have “the effect of obstruction.” Some intimidating tactics – such as taking highly personal photographs of patients outside a clinic – might deter women from accessing care, she acknowledged. But that didn’t matter; the FACE Act didn’t apply.

About 90% of FACE Act cases have been successful in court, a sign of the Justice Department’s careful vetting. But sometimes even cases that seem like slam dunks have been rejected by judges and juries. Abbate recalls handling a case against a Kansas woman named Angel Dillard who [sent a threatening letter](#) to an abortion doctor trainee, saying, “You will be checking under your car everyday because maybe today is the day someone places an explosive under it.” She also sent admiring letters to the man who killed a Wichita abortion doctor during church services in 2009. “We thought it was a very strong case,” Abbate said. But in 2016, [a jury disagreed](#), saying Dillard hadn’t threatened the doctor with physical harm but rather had warned of spiritual harm.

If the Justice Department chooses not to pursue a case, the FACE Act does offer clinics one other option – they can use the law to sue protesters on their own behalf. But few clinics have the resources – or the support in their communities – to take such a risk.

The Justice Department declined Reveal’s interview request. In a statement, the agency said it is “committed to holding (accountable) those who resort to violence and threats of violence to deny people access to reproductive health clinics in our country.”

In the post-Roe era, with abortion poised to no longer be a federally protected right, states will be under pressure to safeguard clinics and patients. A growing number of states have already taken action. Washington [prohibits](#) anyone from “telephoning the facility repeatedly” or knowingly allowing their phone to be used to make threats; [California](#) has made it illegal to photograph staff and patients within 100 feet of a clinic for the purposes of intimidating them or to share those photos, videos or recordings online. Several states bar trespassing or physical obstruction of all health care facilities, not just abortion providers. A few states have enacted buffer-zone laws that prohibit protesters from approaching patients and staff near clinic entrances – a solution favored by several providers I talked to in Florida.

Other ideas suggested by Drexel law professor David Cohen: Local police can prioritize provider-related calls for a quick response and establish a liaison with clinics. Cities can write ordinances to give police clear guidelines on how to handle targeted harassment. States can strengthen stalking laws and exempt the home addresses of abortion providers from the public record.

But in the meantime, in Florida and most of the country, there are no state protections for clinic providers and patients. In these places, the federal FACE Act remains the only way to prosecute violence and obstruction. Over the years, the law has been used in Florida only seven times.

One of those cases involved A Woman’s Choice of Jacksonville, but it had nothing to do with protesters. A man named [Rodney Allen](#), angry that his girlfriend was getting an abortion, obtained her patient code and canceled her appointments. When that didn’t work, he called in a bomb threat to the clinic. He was convicted in 2020 and [sentenced to two years in prison](#). To Flynn, the case is another reminder of how vulnerable she feels. “That was the first time in 20 some years I’d actually seen them start and finish and complete a process and actually convict somebody,” she said. “I was shocked, honestly, that no one just shoved it under the rug.”

On the TV news recently, Flynn watched a report about a murder trial at a Jacksonville courthouse. People had gathered outside to protest. “And they said, no, you cannot be here.” That’s because the courthouse has a buffer zone that prohibits demonstrators from gathering at the entrance. Meanwhile, she said wistfully, “we have no protection.”

What a Supreme Court Decision Would Mean for Florida

For all the ominous signs over the past few years, Flynn never quite believed she would see the day when Roe v. Wade would be overturned. As recently as this past weekend, she was attending a conference of national abortion providers that somehow managed

to be upbeat. Everyone knew the U.S. Supreme Court's conservative majority was poised to gut Roe this summer. Even so, "We were all just like, OK, let's just try to remain hopeful and positive and see what happens next." The day she returned home to Jacksonville, Politico dropped its story about the leaked [draft opinion](#). All Flynn could think was, "Holy cow."

"I'm shocked, but not shocked, you know?" she said. "And I'm numb."



Thousands of abortion rights protesters gather May 3 at Foley Square in New York, after the leak of a Supreme Court draft majority opinion preparing for the court to overturn the landmark abortion decision in Roe v. Wade. Credit: Tayfun Coskun/Anadolu Agency via Getty Images

One of the biggest questions for Flynn and her fellow providers now is: How will the Supreme Court's imminent ruling affect clinics in Florida? In the short term, the privacy clause in the state constitution will likely guarantee at least some abortion access. But the Republican-led Legislature is expected to start passing tougher abortion restrictions – and the state Supreme Court, now dominated by conservatives, to eventually greenlight them. "The groundwork has been laid to reverse, undo, the Florida state

constitutional right to abortion,” abortion historian Mary Ziegler, who teaches at the Florida State University law school, recently [warned](#). “Sooner or later, it’s going to work.”

For the time being, however, Florida is likely to remain a “receiving state.” With most of the rest of the South poised to ban most if not all abortions, A Woman’s Choice and other clinics will be called upon to absorb a huge new influx of patients. “Right now,” Flynn told me, “we’re just sending out the message that, you know, abortion is still legal. We are still open, abortion is safe.” She’s worried that many women will believe – incorrectly – that the leaked draft opinion is the same as a final ruling, with the weight of law. “What patients may do to take this into their own hands is just scary.”

But for all the planning and strategizing she and her colleagues are doing, Flynn isn’t forgetting about Family for LIFE. She recently hired a surveyor to demarcate the clinic’s property lines. Soon, she plans to build a fence around her parking lot; it won’t keep the protesters off the private road, but it will give her patients some measure of privacy. She’s also been battling the protesters’ lawyers about her leadership role in the office park’s business association. In February, they sent Flynn a cease-and-desist letter accusing her of using her role “to exploit the association’s powers, with the primary purpose to attempt to further suppress (Perez-Poveda’s) use of the property.” Flynn’s attorney fired off a three-page response: “The clinic has made every effort and has actually incurred unnecessary expense at the request of your firm to deescalate the situation, without success.”

Officer Gregory Hernandez has felt the protesters’ wrath as well. In December, he issued Perez-Poveda a trespass warning after she stepped into Flynn’s parking lot to make a video of a religious procession. The next day, she emailed his bosses in the Jacksonville Sheriff’s Office. “I was on the easement for 33 seconds to avoid the possibility of being hit by two cars. Is this true trespassing? Or was this retaliation because I had asked Sgt. Mills to ask Officer Hernandez to move his car out of the easement?”

The tit-for-tat continued when Family for LIFE filed a complaint with the department, accusing Hernandez of being biased against them, targeting Perez-Poveda and refusing to move his car out of their way until they called his sergeant. Hernandez’s bodycam footage was reviewed and Perez-Poveda’s trespass warning will remain, a sheriff’s spokesperson said. But Hernandez was given formal counseling and suspended from working off-duty at A Woman’s Choice for 14 days. I tried calling and texting him to hear his side of the story, but he never responded. According to Flynn, he hasn’t worked at the clinic in weeks.

Looking back over her quarter-century as an abortion provider, Flynn thinks the reproductive rights movement spent too much time on the defensive. “We said, ‘We are not going to fight, we are not going to lower ourselves to their standards. And what we should have been doing was fighting fire with fire.’” It’s one reason Flynn is determined to protect her staff and patients from harassment and intimidation, she told me.

The Trump era further emboldened the protesters, and Flynn sees parallels between the growing anti-abortion aggression and the insurrectionists who stormed the U.S. Capitol to try to overturn the 2020 election. Clinic protesters and Stop the Steal extremists “think they’ve been given permission,” Flynn said. “They feel that the law does not apply to them.”

And very soon, she laments, state and federal laws will no longer protect women seeking abortion care. “At what point did we forget about the women, the pregnant people?” she asked, her eyes wide, her voice indignant. “What about their lives? What about our lives? The rest of their lives? Does that not mean anything?”

Decca Muldowney and Soraya Ferdman contributed research to this story. It was edited by Nina Martin, Andrew Donohue, Soo Oh and Marianne Szegedy-Maszak and copy edited by Nikki Frick.

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