



April 24, 2025

VIA FEDERAL EXPRESS

Honorable Pete Hegseth
Secretary of Defense
1000 Defense Pentagon
Washington, DC 20301-1000

Honorable Daniel Driscoll
Secretary of the Army
101 Army Pentagon
Washington, DC 20310-0101

Re: The Army's Violation of Operation Rescue's First Amendment Rights

Dear Secretary Hegseth and Secretary Driscoll:

The American Center for Law and Justice ("ACLJ")¹ represents Operation Rescue, a pro-life nonprofit organization, regarding Army training materials at Fort Bragg (formerly Fort Liberty) that falsely identified Operation Rescue as a terrorist group. We initially raised this matter with former Secretary Christine Wormuth by letter dated August 5, 2024. We now write to you in light of shocking records we recently obtained from the Army pursuant to our Freedom of Information Act (FOIA) request. We had accepted the Army's response to our demand given written statements made by Army officials to Congress, and conveyed to us by an Army attorney, indicating the Army's position that Operation Rescue was not a terrorist organization. However, now that we have obtained a copy of the Army's investigation file, albeit significantly redacted, the basis of our initial concern is only exacerbated, and we believe under your new leadership of

¹ By way of introduction, the ACLJ is an organization dedicated to the defense of constitutional liberties secured by law. ACLJ attorneys have argued before the Supreme Court of the United States in a number of significant cases involving the freedoms of speech and religion. *See, e.g., Pleasant Grove City v. Summum*, 129 S. Ct. 1523 (2009) (unanimously holding that the Free Speech Clause does not require the government to accept counter-monuments when it has a war memorial or Ten Commandments monument on its property); *McConnell v. FEC*, 540 U.S. 93 (2003) (unanimously holding that minors enjoy the protection of the First Amendment); *Lamb's Chapel v. Center Moriches Sch. Dist.*, 508 U.S. 384 (1993) (unanimously holding that denying a church access to public school premises to show a film series on parenting violated the First Amendment); *Bd. of Educ. v. Mergens*, 496 U.S. 226 (1990) (holding by an 8-1 vote that allowing a student Bible club to meet on a public school's campus did not violate the Establishment Clause); *Bd. of Airport Comm'rs v. Jews for Jesus*, 482 U.S. 569 (1987) (unanimously striking down a public airport's ban on First Amendment activities).

our esteemed fighting forces, you would desire to correct the gross abuse of pro-life organizations and Americans, as well as the inconsistent conclusions of the investigation.

INTRODUCTION

To briefly summarize, several pro-life organizations, as well as “Choose Life” license plates, were featured as examples of domestic terror groups on a training slideshow at Fort Bragg in July of 2024.² Initially, the Army indicated that the one slide mistakenly had a heading of “TERRORIST GROUPS,” and that it was added in 2017. However, we now know, after obtaining the FOIA response, that the entire training was entitled “Terrorism Awareness,” and this training has included “anti-abortion” groups as examples of terrorists going back to at least 2011. The slideshow was used to train personnel responsible for gate security. That same slideshow also described organizations like the Ku Klux Klan and the Islamic State. It did not make any distinction or contrast between these groups, equivocating pro-lifers with Islamic terrorists. Even as a one-time occurrence, this kind of oversight would be concerning to say the least, but as more details – and now the investigation file – came to light it became obvious that the root went much deeper than the Army had admitted.

To make matters even worse, this issue did not come to light as a result of an audit or someone in the chain of command realizing the error. Rather, it was only made public because a whistleblower posted a photo of the slide on X. One would then hope that every pain would be taken to apologize for the error and assure that the appropriate measures had been taken to penalize the parties involved and assure the named organizations and concerned Americans that such an oversight would not occur again. Sadly, under the Army’s prior leadership, its response was decidedly subpar, as well as factually and logically inconsistent.

Furthermore, for context, we emphasize that the training slides were not merely disturbing in a social or political sense, but they also clearly singled out pro-life groups, specifically featuring our client, for disfavored treatment because of their religious advocacy against the now-overruled decision of *Roe v. Wade*. As we advised Secretary Wormuth, this was an egregious violation of our client’s First Amendment right to engage in advocacy. For reference, and to minimize the need to repeat the underlying facts, we have attached to this letter a copy of our August 5, 2024, letter to Sec. Wormuth. We have also attached the Army’s investigation file which we recently received pursuant to our FOIA request.

I. The Army’s Initial Response Was Insufficient and Obfuscated the Truth.

The Army’s first attempt to rectify this issue came in the form of a letter from former Army Secretary Christine Wormuth in response to a letter from U.S. Sen. Ted Budd (R-NC).³ Within, Secretary Wormuth acknowledged that groups like “National Right to Life and PETA are not

² Anne Reed, *Update: Fort Liberty Excludes Operation Rescue in Statement Disavowing ‘Terrorist Groups’ Training Slide* (July 24, 2024), <https://www.operationrescue.org/update-fort-liberty-excludes-operation-rescue-in-statement-disavowing-terrorist-groups-training-slide/>.

³ *Id.*

terrorist groups and should not be described as such.”⁴ While National Right to Life *was* listed on the slide, Secretary Wormuth made no mention of Operation Rescue, which was featured much more prominently than any of the other groups. She went on to state that it was not the official position of the U.S. Army to consider pro-life groups to be terrorist organizations, that Army leadership at Fort Bragg had not created and were not aware of these slides, that an investigation of the “incident” had been launched, and that the slides themselves had been discontinued for that training.⁵ The letter nowhere contained an apology or an explanation as to how such misinformation made its way into official training materials.⁶ In fact, *a formal apology has yet to be issued.*

Thankfully, Secretary Wormuth’s attempt to minimize and downplay was not able to divert the scrutiny of Members of Congress. In September of 2024, The House Armed Services Subcommittee on Military Personnel held a hearing to discuss the slides and the controversy surrounding them.⁷ There, Lt. Gen. Patrick Matlock and Assistant Secretary of the Army for Manpower and Reserve Affairs, Agnes Schaefer, managed to frustrate both Republican and Democrat subcommittee members with their obfuscation and evasion.⁸ Neither Army representative was clear as to what specific consequences were faced by the garrison employee responsible for the slides other than “retraining,” if any disciplinary action had been taken against Fort Bragg leadership, or why the slides had gone uncorrected for so long.⁹ When pressed, Lt. Gen. Matlock said he would not go into further detail because the actions taken “reside with the chain of command.”¹⁰ Chair of the Committee and Jim Banks noted that the witnesses heard “bipartisan frustration” during the course of the hearing.¹¹

In response to our August 5, 2024, letter to Secretary Wormuth, over two months later on October 7, 2024, the Army sent us a copy of Dr. Schaefer’s testimony to that subcommittee, highlighting this particular statement:

These training slides were related to the Army's anti-terrorism policy, not the Army's extremism policy. The slides inaccurately referenced nonprofit, public advocacy organization groups such as National Right to Life, Operation Rescue, Earth First, Earth Liberation Front, Animal Liberation Front and PETA as terrorist organization, which is inconsistent with the Army's anti-terrorism policy and training.

The secretary of the Army and I have stated unequivocally that nonprofit groups such as those referenced in the training slides are not terrorist groups and should

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ Rachael Riley, “Big Embarrassment:” Congress Grills Army Leaders Over Fort Liberty Training Slides, THE FAYETTEVILLE OBSERVER (Sept. 27, 2024), <https://www.fayobserver.com/story/news/military/2024/09/27/fort-liberty-training-slides-under-fire-by-congress/75347429007/>.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

not be described as such in army documents or training materials. The slides do not represent the official policy or views of the US Army.¹²

But the investigation file we just received suggests the Army's response was an attempt to deceive our client, other pro-lifers, and the American public.

II. The Army's Assertion that Targeting Pro-Life Americans in this Manner Was a "Mistake" is Belied by its Own Investigation File.

The investigation report concluded that "Labelling the slide 'Terrorist Groups' was a mistake"¹³ *instead of recognizing that pro-lifers should not have been included in the entire "Terrorism Awareness" presentation in the first place.* The Army's actions are far more egregious than simply mistakenly titling one slide, as the entire training was about terrorism and the slide presentation was entitled "Terror Awareness."¹⁴ Further, the conclusion that the labeling of that slide was a "mistake" is contrary to evidence contained in the investigation file. This revelation alone uncovers a bureaucratic coverup and we urge you to take decisive action to remedy it.

The sworn testimony in evidence accompanying the investigatory report paints a far more appalling picture, showing that the Army was "teaching doctrine" to its trainees that pro-lifers are "domestic terrorists" and "will commit an act of terrorism in order to try and further their cause."¹⁵ Furthermore, it clearly reveals that indoctrinating Army trainees that pro-lifers are terrorists had been going on longer than we previously realized.

The investigator was tasked with answering some specific questions, including: "What was the review and approval process for the slides at issue?" and "How long and how many times were the 'Terror Awareness' training slides used and approximately how many Soldiers received training using these, or similar, slides?"¹⁶ The investigators conclusion was that it was merely a "mistake . . . that likely occurred when [REDACTED] sev[eral] slides from a larger, older presentation [REDACTED] inserted group names (not present in the earlier version) into the revised presentation without paying attention to the slide title and without considering how this visually misrepresented what [REDACTED] attempting to convey."¹⁷

Yet, just a few more pages into the investigation report, the investigator specifically states that the original 2011 presentation "explained 'Special-interest/Single issue' terrorism by citing 'Animal rights', 'Environmental', 'Anti-genetic engineering', and 'Anti-abortion' as examples."¹⁸ Then he

¹² *Oversight of Extremism Policies in the Army, Hearing Before the H. Armed Services Subcomm. on Military Personnel*, 118th Cong. 4-5 (2024), available at <http://media.aclj.org/pdf/House-Armed-Services-Military-Personnel-Oversight-of-Extremism-Policies-in-the-Army.pdf> (emphasis added).

¹³ AR 15-6 Investigation, Fort Liberty Directorate of Emergency Services (DES) Terror Awareness Slides, DEP'T OF THE ARMY, (Aug. 1 2024) ("Investigation Report"), PDF p. 7, [http://media.aclj.org/pdf/Training-Slides-AR15-6_XVIII_Redacted-\(Final\).pdf](http://media.aclj.org/pdf/Training-Slides-AR15-6_XVIII_Redacted-(Final).pdf).

¹⁴ *Id.* at PDF p. 3.

¹⁵ *Id.* at PDF p. 10.

¹⁶ *Id.* at PDF p. 2.

¹⁷ *Id.* at PDF p. 7

¹⁸ *Id.* at PDF p. 9.

added that “Slides 27-28 were the ‘Special Interest/Single-Issue’ portion of the 2017 presentation,” which contained slides labeled “ANTI-ABORTION (Right to Life and Operation Rescue).”¹⁹

Clearly, the Army has trained soldiers that pro-lifers are terrorists going back to *at least 2011*. The investigator tried to cover this up as a “mistake,” by merely placing the wrong title on a single slide within this presentation and that was only added in the new presentation, but this was demonstratively false.

Moreover, the investigator completely left out the fact that the presentation included “Choose Life” license plates (which are issued by the State of North Carolina²⁰ and available in 33 states and Washington, D.C.²¹), anyone who disagreed with *Roe v. Wade* (which would naturally include six sitting U.S. Supreme Court justices, and millions of Americans who oppose abortion. The Army should expect much more from its internal investigations – and so should the American people.²² We are confident that you will, and that you will make this right.

III. It Appears the Army Made Contradictory Statements to Members of Congress and Americans.

As previously indicated, in the aftermath, the Army told us, U.S. Senators, U.S. Representatives, and the public that listing Operation Rescue on this slide was a mistake²³ and, in its words to the congressional oversight committee, had “inaccurately referenced . . . Operation Rescue . . . as [a] terrorist organization,”²⁴ and that it did “not represent the official policy or views of the US Army.”²⁵ Then, as described above, its investigator concluded the “mistake” was placing the wrong title on the single slide containing our client’s logo and name along with the other pro-life organizations and imagery.

Yet the sworn statements of the soldiers interviewed tell a *very* different story. One recalled that the presenter “did not speak on the groups” by themselves, but instead, “the groups that were on the slides were just used as examples as domestic terrorist groups, it was more so we had a general understanding that these groups don’t just come from foreign nations.”²⁶ And in another Q&A session:

¹⁹ *Id.*

²⁰ *Application for a Choose Life License Plate*, MVR-27-CL, N.C. Div. of Motor Vehicles (2016), <https://www.ncdot.gov/dmv/downloads/Documents/MVR-27CL.pdf>.

²¹ *Home*, CHOOSE LIFE AMERICA INC., <http://www.choose-life.org/> (last visited April 22, 2025).

²² The investigation report itself contains other internal inconsistencies and errors unsupported by the sworn statements in evidence. One clear example of this is the basic fact of how many soldiers received this training since 2017. The investigator estimated the total as “9,100” (Investigation Report *supra* note 13, at PDF p. 11), including a citation to a sworn statement (Exhibit C) provided in the report that stated “11,000 from 2017 to current” (Investigation Report *supra* note 13, at PDF p. 33) had received that training.

²³ Investigation Report *supra* note 13, at PDF p. 7.

²⁴ *Oversight Hearing supra* note 12, at 33.

²⁵ *Id.* at 34.

²⁶ Investigation Report *supra* note 13, PDF p. 52.

Q: “Were any of the organizations listed described by [REDACTED] as Terrorist Groups?”

A: “Yes they were used as examples for domestic terrorists.”²⁷

And more:

Q: “Did [REDACTED] discuss the organizations listed on that slide? What [REDACTED] say about them?”

A: “He spoke briefly about a couple of them not all of them mainly [REDACTED] that there were terrorist groups out there and how they are on our home front and how they ease their way into American businesses and how terrorist groups can easily corrupt American citizens.”²⁸

This was clearly no mistake. The Army trained on it. The Army discussed it. It was received by trainees as “just teaching doctrine”²⁹ – in the context of comparing Operation Rescue to ISIS, making the express point that “these groups don’t just come from foreign nations.”³⁰ This is outrageous, and it comes from the Army’s own records. The sworn testimony of a sampling of trainees contradicts the Biden Army’s own conclusion and what they told *everyone*, including Congress, in the aftermath. Unfortunately, this doctrinal training message was conveyed by the Army to an estimated “9,100”³¹ to “11,000”³² soldiers.

CONCLUSION

As we advised Secretary Wormuth, a statement indicating some officials failed to properly vet a slide is not enough, especially when considering these unlawful actions have occurred *for years*. And now, having obtained the investigation file, the situation became much worse – along with the need for rectification. The situation described herein is serious and its impact on the First Amendment is grave. It injures the rights of our client and threatens those of Americans to engage in free political advocacy without fear that they will be made a target of United States Army operations.

We respectfully urge you to take swift and decisive action to remedy this shocking and disappointing injustice to pro-life Americans at the hands of the U.S. Army under its prior leadership, and to make it right. Specifically, we urge you:

- To direct the Army to issue a meaningful direct apology to our client, Operation Rescue, and its Director, Troy Newman, for the wrongful actions committed by the Army under its prior leadership.

²⁷ *Id.*

²⁸ *Id.* at PDF p. 49.

²⁹ *Id.* at PDF p. 61.

³⁰ *Id.* at PDF p. 52.

³¹ *Id.* at PDF p. 11.

³² *Id.* at PDF p. 33.

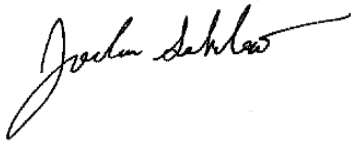
Hon. Pete Hegseth
Hon. Daniel Driscoll
April 23, 2025

- To make a public statement, or at least one addressed to all trainees, that the United States military considers pro-life Americans and organizations neither terrorists *nor* extremists, that all prior training to the contrary is false, along with a direction that any such training or propaganda be removed and reported to appropriate Army personnel.
- To direct, forthwith, the immediate production of all remaining Army records concerning this subject, including but not limited to the Exhibits to the investigation file we have obtained.
- To address Congress's concerns by issuing a new statement that rectifies and replaces the prior, misleading representations.

Given your clear stand and demonstrated record of calling out and opposing all “woke” Leftist/Marxist ideology and propaganda from our Nation’s great fighting forces, we are hopeful you will see this matter as worthy of your attention and action.

We stand ready to assist however possible.

Very respectfully,



Jordan Sekulow
Executive Director



Benjamin P. Sisney
Senior Litigation Counsel



Christy Compagnone
Senior Managing Counsel