

# The Ethician Foundation

Texas Non-Profit Foundation #30-0736697

A 501(c) 3 Operating Foundation

1401 19<sup>th</sup> Street

Huntsville, Texas 77340

936.295.5767 Telephone

936.294.0233 Fax

ghr@cyberclone.net

## ILLEGAL EFFORTS TO FORCE ME TO COMMIT A FEDERAL CRIME

I had gone to City Manager, Aron Kulhavy's office after the Chief of Police told me that I was going to burn in the fires of hell and that Jesus likes for innocent people to be executed so that they can be with Jesus sooner. I asked that Kevin Lunsford be fired for his unconstitutional hatred directed against me, a non-Christian.

This was right after our Church anti-death penalty sign was ripped down and stomped on by Christians November 7, 2018, which was a good two years before the druggie arsonists destroyed the house.

This fact means that Kulhavy and HPD had more than two years to arrest the druggies that had invaded our house and the entire neighborhood, burning it down and blowing up the meth lab in the basement on January 29, 2020.

For many years, since 1968, I have been the object of hate, bullying, and false arrest by the Huntsville Police Department and hate and bullying coming from City Hall in efforts to keep me from restoring historic buildings in Huntsville.

There is a photo gallery at [www.georgerussell.net](http://www.georgerussell.net) "False Arrest by Dirty Cops." The cop that appears to be directing the assault and my false arrest on September 15, 2008 is now the new Chief of Police after the recent "retirement" Chief Kevin Lunsford.

On November 7, 2018 “Christian” vandals tore down our churches anti-death penalty sign and stomped on it. It was later stolen by another “Christian”. The police refused to arrest or even fine the perps \$5 because,, according to Chief Lunsford, what they did was perfectly legal, because “once saved, always saved and all future sins are pre-forgiven in advance.”

Aron Kulhavy and HPD was fully aware that a druggie gang had invaded our \$600,000 house at 1700 Ave S and HPD refused to do anything about the operations of a drug house just around the corner from the City Manager’s house.

Chief Lunsford worked under the direction of Aron Kulhavy, who told me in his office, that he hires and fires Chiefs of Police. I told Kulhavy to fire Kevin Lunsford for religious discrimination and violating my civil rights because I am NOT a Christian.

Had Kulhavy ordered HPD to arrest the druggies rather than allow them to openly trespass, steal and use and sell drugs, our house would still be intact. The evidence was PUBLIC and even went all the way to Normal Park Drive behind the druggie den in our house at 1700 Ave S.

So the question is: Why would Kulhavy walk his dog, allegedly every day in front of or to the house at 1700 Ave S?

Rumors about Kulhavy, if found to be true, might shed light on the fact that the two arsonists that were observed starting the arson fire have never been arrested, even to this day. Could it be that they have evidence that could be used against Kulhavy if they were arrested?



Kulhavy, did not order HPD to arrest the three men that planned and carried out the theft of \$100,000 from me, making the crime fall under RICO laws. Both Kulhavy and HPD had possession of the packet of 100% proof of the theft and refuse to take any action.

This fact offers further proof of dereliction of duties by Kulhavy and HPD adding more proof that the City is liable for the destruction of our house at 1700 Ave S.

Malfeasance and dereliction of duty by Kulhavy and HPD were the direct cause of the total loss of the value of the house and land. It would still be intact if Kulhavy and HPD had done their jobs.

Then I was constantly harassed by Kevin Bayal, who is NOT a "Code Enforcement Officer" because the actual code enforcement officer refused to harass me in that Huntsville is filled with derelict buildings and my damaged building was NOT derelict and was never again going to be a human habitation.

Eventually I felt I had no other choice but to donate the property to The Ethician Foundation to serve as an URBAN WILDLIFE REFUGE, in order to gain better protection for the FEDERALLY PROTECTED family of BLACK VULTURES that had nested in the building.

Bayal repeatedly tried to force me to commit a FEDERAL OFFENSE that could carry a fine of up to \$250,000 and two years in jail.

One man had to pay \$2.5 million in penalties due to the death of Federally protected birds on his property

On my link on TikTok I have posted a video of Bayal threatening me because I refused to kill or otherwise harm the vultures.

It seems to me that according to 18 U.S.C., the conduct of Bayal and Kulhavy meet the definition of criminal conduct. I was repeatedly threatened with arrest, heavy fines if I failed to carry out at great personal expense, the restoration of the wildlife shelter destroyed by HPD's malfeasance plus harassing me and threatening me unless cleaned up, at my personal expense, what the arsonists had done as blatantly allowed by HPD and Kulhavy.

Bayal, under the direction of Aron Kulhavy repeatedly attempted to force me to commit crimes in violation of Federal Law which is a crime itself. There were other city employees involved in the harassment making the conspiracy a HATE CRIME under RICO.

On TikTok there is a video segment with Bayal threatening me because I refused to kill or harm our vulture family: "See you in court", he said in hostile manner.

The City claims to have no money to comply with Federal ADA laws and has thumbed its nose at the ADA authorities to make sure that my crippled wife will never be able to enjoy a visit to the "African Museum" that she invested part of her life savings in, yet the City has been tearing up perfectly good streets and repaving them for no legitimate reason and, in my opinion, committed a first degree felony by destroying the perfectly fine City Hall in order to squander more millions building a new one rather than purchase the old hospital building virtually adjacent to our wonderful City Hall that was demolished for zero reason except to squander millions of dollars.

Bottom line: The City of Huntsville is TOTALLY liable for the damages to our house at 1700 Ave. S.

George H. Russell: September 10, 2023



ASTEX ADVOCATE | EASTEX OPINION

# Disturbing migratory birds is illegal

by Cheryl Conley, Texas Wildlife Rehab Coalition  
June 14, 2017



Little did Ernesto Pulido know that he was breaking the law when he disturbed the nests of egrets and black-crowned night herons while trimming trees for the [U.S. Postal Service](#) in 2014.

He was charged with a misdemeanor violation of the U.S. Migratory Bird Treaty Act of 1918 and because he showed remorse, was only fined \$3,000 to cover the cost of rehabilitating the injured baby birds. He could have been fined \$15,000 and faced six months in jail.

Most people are totally unaware of the Act and that it is one of the oldest wildlife protection laws on the books. Simply stated it's a law that protects birds from people.

In 1916 the United States entered into a treaty with Great Britain (acting on behalf of Canada) w

Texas drought could reveal forgotten ghost town after 70 years

to end the hunting of insect-eating birds and established hunting seasons for game birds.

In order to implement the treaty, the Migratory Bird Treaty Act was passed in 1918 by Congress which makes it illegal to "pursue, hunt, take, capture, kill," or "sell" a migratory bird or any of its parts, including nests, eggs, and feathers except under the terms of a valid permit issued pursuant to Federal regulations.

The Act mostly came about because birds were needlessly being killed for their feathers which made great fashion accessories. Entire birds were stuffed and attached to the tops of hats. Birds were also being served in restaurants.

In 1936, the USA signed a similar treaty with Mexico. Japan and the Soviet Union were added in the 1970s.

In 1972 an amendment to the Act added protection for an additional 32 families of birds including eagles, hawks, owls and corvids. Since then more species have been added to include almost every native species in the USA with a few exceptions like the House Sparrow, the European Starling and the domestic pigeon.

Some of the birds don't actually migrate but are still protected under this Act. For a complete listing of protected birds just enter "MBTA List" in your browser and it will pull up the list from the US Fish and Wildlife website.

It wasn't until 2013 that the Department of Justice enforced the Act for the first time by penalizing a wind farmer for killing Golden Eagles and other birds at two sites in Wyoming. The farmer was fined \$1 million. A second wind farmer was penalized a year later and fined \$2.5 million.

So what does all of this mean to you? Let's say a bird builds a nest above your front door and drops poop everywhere. Can you remove the nest? No - it's illegal. Can my son take bird eggs to school for show and tell? No - it's illegal. We collect bird feathers. Is this okay? No - it's illegal. I found a nest and I brought it in the house. Illegal. We found a dead Blue Jay and we want to have it "stuffed" for display. Guess what? Illegal. We live on a farm and randomly shoot birds for

Texas drought could reveal forgotten ghost town after 70 years

In July 2007, a man was sentenced to six months in a federal halfway house, five years probation and a fine of a \$65,000 fine for killing protected birds on his property.



Although this law may seem a little silly to the average person, it does serve a purpose. It reminds us that we must learn to live in harmony with wildlife and not purposely disrupt or cause harm to other living beings.

[TWRC Wildlife Center](#) serves a great purpose as well. We help wildlife that has been injured, orphaned or displaced and return them to the wild. Your donations help us keep the doors open and allow us to provide this service to the public free of charge. Please see our website for more information on what we do and how you can help. [www.twrcwildlifecenter.org](http://www.twrcwildlifecenter.org).

June 14, 2017

By Cheryl Conley

SHOPPING ◦



Save 37% on the TikTok-famous Chom Chom



Dyson's wildly popular Supersonic hair dryer is \$100 off right...




Get a GoPro HERO10 for \$200 off



How to watch the Texans vs Ravens game this Sunday

EDITOR'S PICKS

Texas drought could reveal forgotten ghost town after 70 years

 (505) 248-7889 (tel:+1-505-248-7889)

500 Gold Avenue SW

Room 9021

Albuquerque, NM 87102-3294

[VIEW DETAILS \(/LAW-ENFORCEMENT/SPECIAL-AGENT-CHARGE-ALBUQUERQUE-NEW-MEXICO/VISIT](#)

## Law Enforcement Rewards

The U.S. Fish and Wildlife Service is authorized to pay rewards for information or assistance that leads to an arrest, a criminal conviction, civil penalty assessment, or forfeiture of seized property. Payment of rewards is the discretion of the Service and is linked to specific federal wildlife laws. The amount of any reward we may pay is commensurate with the information or assistance received. Please discuss the possibility of receiving a reward with the Service personnel receiving your information or assistance.

## To Report a Wildlife Crime

Email: [fws\\_tips@fws.gov](mailto:fws_tips@fws.gov) (mailto:fws\_tips@fws.gov?subject=Report+Wildlife+Crime)

Call: 1-844-397-8477

936-291-5411 City Manager  
ARON KALBANY

936-294-5772 Kevin Byal



# Valerie Fellows

8700



## COMMUNICATION COORDINATOR, MIGRATORY BIRD PROGRAM

Migratory Birds (/program/migratory-birds)

☎ (703) 358-2285 (tel:+1-703-358-2285)

✉ Send a Message

## About Valerie Fellows

Valerie graduated from the University of Wisconsin-Stevens Point with a double major in Wildlife Management and Biology, and moved to the mid-Atlantic to do her graduate research at Patuxent Wildlife Research Center, where she completed her graduate degree at the University of Maryland-Eastern Shore with a focus on contaminants and endangered species. She began her career with USFWS in 2001 as a writer/editor at the Chesapeake Bay Field Office in Annapolis, Maryland, building partnerships and handling some great media stories, and even got to be a part of the famous snakehead “frankenfish” story. Then she went to the USFWS Headquarters and spent 6 years as a Public Affairs Specialist and handled major media inquiries from all over the world, but leading the communications for the recovery of the bald eagle, 100th anniversary of Rachel Carson’s birth and listing of the polar bear under the Endangered Species Act were definitely some of her favorites. Then she moved to the Ecological Services Program as a Communication Specialist, where she led the Endangered Species Act’s 40th Anniversary communication campaign, and served as the Program’s communication lead for 7 years. She joined the Migratory Bird Program in 2019 and continues to be excited about birds and committed to help our Program connect with our many publics as we work to conserve birds and their habitat.

### Areas of expertise

Bald & Golden Eagle issues

Policies and Regulations (except Hunting)

Federal Duck Stamp

# Wildlife Crime Tips

The U.S. Fish and Wildlife Service investigates reports of federal wildlife crimes that occur on national wildlife refuges, conservation easements and national fish hatcheries, including the take of federally protected wildlife, as well as wildlife crimes wherever they occur in the United States. Please be as specific and as detailed as possible in your tip report. The detailed information you provide will assist law enforcement in investigating reported violations.

We do not provide status updates after information is provided. All information you provide will be promptly forwarded to the responsible office for appropriate follow-up action.

Please do NOT send the same information more than once, and do NOT file a duplicate report by calling the FWS Tips hotline.

While there is no guarantee that tip information provided will result in monetary payments, the U.S. Fish and Wildlife Service does have the discretion and authority to pay for information and/or evidence used in support of criminal investigations.

This form is for law enforcement purposes only. It is not a forum for public comment. For general comments and inquiries to the U.S. Fish and Wildlife Service, please go to <https://www.fws.gov/contact-us> (<https://www.fws.gov/contact-us>) or call 1-800-344-9453.

Name

George H. Russell

The person who is submitting this suspected violation.

Country of suspected violation

United States



City of suspected violation

HUNTSVILLE

State of suspected violation

Texas



Did the suspected violation occur on a national wildlife refuge, wildlife management area, or waterfowl protection area?

Did the suspected violation occur on a national wildlife refuge, wildlife management area, or waterfowl protection area?



Urban wildlife refuge at 1700 Ave S in Huntsville, Texas 77340.

City of Huntsville is forcing me to injure or kill a family of Black Vultures that live in the shelter we have provided for them.

City officials have been repeatedly informed that it is a violation of both State and Federal Laws to intentionally harm protected species but they don't care.

Additional information on the location of the suspected violation

Suspected violation type

Migratory Birds



Choose a violation type from the picklist.

Email

GHR@CYBERCLONE.NET

Please include your email address for submission confirmation and if a reply is necessary.

Phone

9365814302

Provide a phone number if you prefer to discuss the concern over the phone.

Description of suspected violation

Above under "Location Description"

We have had numerous arson fires in our wildlife sanctuaries but the San Jacinto County Game Wardens do not care and become hostile when we call them. Poaching is SOP in the county and when we were advised to paint purple stripes on trees in our affected areas we were threatened with 124 years in jail and a \$103,500 fine. In 2004 one of our Bald Eagles had her head and feet cut off and although there was a Game Warden on our

Describe the suspected violation or concern.

CAPTCHA

This question is for testing whether or not you are a human visitor and to prevent automated spam submissions.

## Privacy Act Statement

Authority

Mr. Brian Zinn  
 Page 5 of 12  
 November 18, 2021

17005

### Lighting

According to the map provided in the coordination request, a new Austin Energy Substation (U-2) is proposed as part of the airport expansion project. This substation is proposed close to Onion Creek, which as previously mentioned, is considered an ESSS.

Sky glow as a result of light pollution can have negative impacts on wildlife and ecosystems by disrupting natural day and night cycles inherent in managing behaviors such as migration, reproduction, nourishment, sleep, and protection from predators. Wildlife impacts from light pollution is of concern to TPWD. Therefore, TPWD has provided the following recommendation to assist in project planning.

**Recommendation:** TPWD recommends committing to dark-sky lighting practices for the proposed Austin Energy Substation and any other project elements that will require lighting. TPWD recommends implementing the following BMPs:

- When lighting is added, minimize sky glow by focusing light downward, with full cutoff luminaires to avoid light emitting above the horizontal.
- Use the minimum amount of night-time lighting needed for safety and security.
- Use dark-sky friendly lighting that is on only when needed, down-shielded, as bright as needed, and minimizing blue light emissions.

Appropriate lighting technologies and BMPs can be found on the International Dark-Sky Association website or the McDonald Observatory website.

### Federal Laws

#### *Migratory Bird Treaty Act*

The Migratory Bird Treaty Act (MBTA) prohibits direct and affirmative purposeful actions that reduce migratory birds, their eggs, or their nests, by killing or capturing, to human control, except when specifically authorized by the Department of the Interior. This protection applies to most native bird species, including ground nesting species. The USFWS Migratory Bird Office can be contacted at (505) 248-7882 for more information on potential impacts to migratory birds.

Valerie Fellows 19 Apr 2023  
 703-358-2285

↑ FOR PERMITS ONLY

**Recommendation:** TPWD recommends excluding vegetation clearing activities during the general bird nesting season, March 15 through September 15, to avoid adverse impacts to breeding birds. If clearing vegetation during the migratory bird nesting season is unavoidable, TPWD recommends surveying the area proposed for disturbance to ensure that no nests with eggs or young will be disturbed by operations. TPWD recommends performing active bird



Mr. Brian Zinn  
Page 6 of 12  
November 18, 2021

nest surveys no more than five days prior to planned clearing or construction. TPWD recommends that a minimum 150-foot buffer of vegetation remain around any active nests that are observed prior to disturbance. Any vegetation (such as trees, shrubs, and grasses) or other open areas where occupied nests are located should not be disturbed until the eggs have hatched and the young have fledged.

#### Proposed Austin Energy Substation

**Recommendation:** While raptor electrocutions at substations are uncommon, smaller birds such as songbirds and corvids may perch, roost or nest in substations, causing electrocution and outage risks. For new substations, a combination of framing and covering is the most effective method for preventing bird (and other animal) contacts with the substation.

For additional information, please see the guidelines published by USFWS and the Avian Power Lines Interaction Committee (APLIC) in the updated guidance document *Reducing Avian Collisions with Power Lines: State of the Art in 2012*. This manual identifies best practices and provides specific guidance to help electric utilities and cooperatives reduce bird collisions with power lines and substations. A companion document, *Suggested Practices for Avian Protection on Power Lines*, was published by APLIC and the USFWS in 2006. For more information on both documents, please visit the APLIC website.

#### *Endangered Species Act*

Federally-listed animal species and their habitats are protected from “take” on any property by the ESA. Take of a federally-listed species can be allowed if it is “incidental” to an otherwise lawful activity and must be permitted in accordance with Section 7 or 10 of the ESA. Federally-listed plants are not protected from take except on lands under federal/state jurisdiction or for which a federal/state nexus (i.e., permits or funding) exists. Any take of a federally-listed species or its habitat without the required take permit (or allowance) from the USFWS is a violation of the ESA.

Texas fatmucket (*Lampsilis bracteata*) – Proposed to be listed as Federally-Endangered (with designated critical habitat)

There are two Texas Natural Diversity Database (TXNDD) records for the Texas fatmucket within Onion Creek close to the airport. TPWD notes that the Texas fatmucket was proposed to be listed as endangered by the USFWS and this proposed listing was published in the Federal Register on August 26, 2021 with proposed designated critical habitat. The Texas fatmucket is also state-listed as threatened. This species is reported to occur in slow to moderate current in sand, mud, and gravel substrates among large cobble, boulders, bedrock ledges,

Mr. Brian Zinn  
Page 7 of 12  
November 18, 2021

horizontal cracks in bedrock slabs, and macrophyte beds. The Texas fatmucket has also been observed inhabiting the roots of cypress trees and vegetation along steep banks. Past authorities have reported this species to be intolerant of reservoir conditions, but recent surveys suggest it may persist in some impoundment conditions.

TPWD notes that it is unclear from the information provided if impacts to the Colorado River or Onion Creek are anticipated from the construction of the proposed airport expansion project.

**Recommendations:** TPWD recommends the use of BMPs for riparian areas to minimize impacts on mussels (as well as all fish species which may serve as the mussels' larval host). BMPs would include measures such as avoiding construction during fish and mussel spawning periods and use of double silt fences and doubling soil stabilization measures along the banks to avoid increasing the turbidity of the creek or river. If mussel populations are present within the limits of the proposed project area, those populations should be protected from disturbance to the greatest extent possible.

If impacts to the Colorado River or Onion Creek (including the banks) are anticipated as part of this project, then TPWD recommends contacting this office as additional permits may be required.

### **State Laws**

#### *Texas Parks and Wildlife Code – Chapter 64, Birds*

Texas Parks and Wildlife Code Section 64.002, regarding protection of nongame birds, provides that no person may catch, kill, injure, pursue, or possess a bird that is not a game bird. Texas Parks and Wildlife Code Section 64.003, regarding destroying nests or eggs, provides that, no person may destroy or take the nests, eggs, or young and any wild game bird, wild bird, or wild fowl.

**Recommendation:** Please review the *Migratory Bird Treaty Act* section above for recommendations as they are also applicable for Chapter 64 of the Texas Parks and Wildlife Code compliance.

#### *Texas Parks and Wildlife Code, Section 68.015 – State-listed Species*

Texas Parks and Wildlife Code regulates state-listed threatened and endangered animal species. The capture, trap, take, or killing of state-listed threatened and endangered animal species is unlawful unless expressly authorized under a permit issued by USFWS or TPWD. The *TPWD Guidelines for Protection of State-Listed Species*, which includes a list of penalties for take of species, can be found on the Wildlife Habitat Assessment Program website. State-listed species may only be handled by persons with authorization obtained through TPWD. For more





Menu

Search



<b>Criminal</b>
Law Enforcement Misconduct
Human Trafficking Prosecution Unit (HTPU)
Hate Crimes
Violence Against Health Care Providers
<b>Statutes</b>
Historical Matters

## Statutes Enforced by the Criminal Section



U.S. Code Provision	Name	Explanation
---------------------	------	-------------

### CIVIL RIGHTS CONSPIRACY

18 U.S.C. § 241

Conspiracy Against Rights

Section 241 makes it unlawful for two or more persons to agree to injure, threaten, or intimidate a person in the United States in the free exercise or enjoyment of any right or privilege secured by the Constitution or laws of the United States or because of his or her having exercised such a right.

Unlike most conspiracy statutes, §241 does **not** require, as an element, the commission of an overt act.

The offense is always a felony, even if the underlying conduct would not, on its own, establish a felony violation of another criminal civil rights statute. It is punishable by up to ten years imprisonment unless the government proves an aggravating factor (such as that the offense involved kidnapping aggravated sexual abuse, or resulted in death) in which case it may be punished by up to life imprisonment and, if death results, may be eligible for the death penalty.

Section 241 is used in Law Enforcement Misconduct and Hate Crime

U.S.  
Code  
Provision

Name

Explanation

statutes were adopted, in Human Trafficking prosecutions.

#### MISCONDUCT BY LAW ENFORCEMENT & OTHER GOVERNMENT ACTORS

This provision makes it a crime for someone acting under color of law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States. It is **not** necessary that the offense be motivated by racial bias or by any other animus.

Defendants act under color of law when they wield power vested by a government entity. Those prosecuted under the statute typically include police officers, sheriff's deputies, and prison guards. However other government actors, such as judges, district attorneys, other public officials, and public school employees can also act under color of law and can be prosecuted under this statute.

18 U.S.C.  
§ 242

Deprivation  
of Rights  
Under  
Color of  
Law

Section 242 does not criminalize any particular type of abusive conduct. Instead, it incorporates by reference rights defined by the Constitution, federal statutes, and interpretive case law. Cases charged by federal prosecutors most often involve physical or sexual assaults. The Department has also prosecuted public officials for thefts, false arrests, evidence-planting, and failing to protect someone in custody from constitutional violations committed by others.

A violation of the statute is a misdemeanor, unless prosecutors prove one of the statutory aggravating factors such as a bodily injury, use of a dangerous weapon, kidnapping, aggravated sexual abuse, death resulting, or attempt to kill, in which case there are graduated penalties up to and including life in prison or death. If charged in conjunction with 18 U.S.C. § 250, as noted below, all sexual assaults under color of law are felonies.

Section 250 is a penalty statute that applies to all civil rights offenses, but is mostly used in conjunction with violations of 18 U.S.C. § 242, when government actors use their authority to commit sexual assault.

18 U.S.C. §  
250

Penalties  
for Civil  
Rights  
Offenses  
Involving  
Sexual  
Misconduct

Section 250 makes every form of sexual assault under color of law a felony. The potential penalty varies depending on the type of sexual conduct involved (i.e. sexual act or sexual contact, as defined pursuant to 18 U.S.C. § 2246(2) and (3), respectively), as well as other attendant circumstances (e.g. whether the conduct was under or through clothing; whether the conduct involved coercion, physical force, or placing the victim in fear of varying degrees of physical harm; whether the victim was physically incapable of showing unwillingness or was otherwise rendered unconscious by the defendant).

18 U.S.C. §  
2243  
(b), 2244  
(a)(4)

Sexual  
Abuse of a  
Ward

These statutory provisions make it a crime for corrections officers or other individuals in federal facilities to knowingly engage in sexual conduct (or attempt to do so) with another person who is in official detention and under the custodial, supervisory, or disciplinary authority of the individual so engaging. Consent is not a defense.

The penalty for a violation of 18 U.S.C. § 2243(b) is 15 years in prison, whereas the penalty for a violation of 18 U.S.C. § 2244(a)(4) is two years in prison.



**U.S.  
Code  
Provision**

**Name**

**Explanation**

18 U.S.C. §  
2243 (c),  
2244  
(a)(6)

Sexual  
Abuse of  
Individuals  
in Custody

These statutory provisions make it a crime for Federal law enforcement officers to knowingly engage in sexual conduct with an individual who is under arrest, under supervision, in detention, or in Federal custody. Consent is not a defense.

The penalty for a violation of 18 U.S.C. § 2243(c) is 15 years in prison, whereas the penalty for a violation of 18 U.S.C. § 2244(a)(6) is two years in prison.

**HATE (BIAS-MOTIVATED) CRIMES**

Subsection (b)(2) of § 245, which is primarily enforced by the Criminal Section of the Civil Rights Division, makes it unlawful to willfully injure, intimidate or interfere with any person --or to attempt to do so--by force or threat of force, because of that other person's race, color, religion or national origin and because of the person has been doing one of the following:

- Enrolling in or attending public school or college
- Participating In or enjoying a service, privilege, program, facility or activity provided or administered by a state or local government
- Applying for or enjoying private or state employment
- Serving as a grand or petit juror in state court (or going to court in preparation to do so)
- Traveling or using a facility of interstate commerce or common carrier.
- Patronizing a place of public accommodation or place of exhibition or entertainment, including hotels, motels, restaurants, lunchrooms, bars, gas stations, theaters, concert halls, sports arenas or stadiums.

18 U.S.C. §  
245(b)(2)

Federally  
Protected  
Activities

This statute also prohibits willful interference, by force or threat of force, with a person because he/she is or was participating in, or aiding or encouraging other persons to participate in, any of the benefits or activities listed above --or in any of the federal benefits (such as the right to vote or seek federal employment) listed in § 245(b)(1) of the statute --without discrimination as to race, color, religion, or national origin.

A violation of the statute is a misdemeanor unless prosecutors prove one of the statutory aggravating factors such as a bodily injury, use of a dangerous weapon, kidnapping, aggravated sexual abuse, death resulting from the offense, or attempt to kill, in which case there are graduated penalties up to and including life in prison or death.

**A prosecution may not be undertaken without written certification from the AG, or an AAG to whom the AG has specifically delegated the power, that prosecution is in the public interest and necessary to secure substantial justice.**

U.S.  
Code  
Provision

Name

Explanation

18 U.S.C. §  
247

Damage to  
Religious  
Real  
Property  
(sometimes  
called the

“Church  
Arson  
Prevention  
Act”)

Section 247 prohibits intentionally defacing, damaging or destroying religious real property because of the religious nature of the property, so long as the crime is committed in or affects interstate or foreign commerce (ICC).

The statute also prohibits anyone from intentionally obstructing or attempting to obstruct, by force or threat of force, a person in the enjoyment of that person's religious beliefs, where the crime is in or affecting ICC.

Finally, the statute prohibits anyone from intentionally defacing, damaging or destroying any religious real property because of the race, color, or ethnic characteristics of any individual associated with the property, *regardless* of any connection to ICC.

Section 247 also prohibits attempts to do any of the above.

A violation of the statute is a misdemeanor unless prosecutors prove one of the statutory aggravating factors such as a bodily injury, use of a dangerous weapon, kidnapping, aggravated sexual abuse, death resulting from the offense, or attempt to kill, in which case there are graduated penalties up to and including life in prison or death.

**A prosecution may not be undertaken without written certification from the AG, or his designee, that prosecution is in the public interest and necessary to secure substantial justice.**

Section 249 prohibits willfully causing bodily injury, or attempting to cause bodily injury with a dangerous weapon, when the crime was committed because of

1. the actual or perceived race, color, religion, national origin of any person;
2. the actual or perceived religion, national origin, gender, sexual orientation, gender identity, or disability of any person and the crime affected interstate or foreign commerce (ICC); or
3. any of these characteristics (actual or perceived) if the crime occurred within federal special maritime and territorial jurisdiction (SMTJ).

18 U.S.C. §  
249

The  
Matthew  
Shepard  
and James  
Byrd, Jr.,  
Hate  
Crimes  
Prevention  
Act

There is no need to prove ICC or SMTJ for the first subsection because jurisdiction for enactment is based upon the Thirteenth Amendment. For this reason, only those religions and national origins considered to be “races” at the time the Thirteenth Amendment was enacted may be prosecuted without proof of ICC or SMTJ. See § 249, Findings, § (8).

A conviction carries a statutory maximum of ten years imprisonment; if death results, or if the defendant's actions include aggravating factors such as kidnapping, sexual abuse, or death resulting from the offense, the offense may be punishable by imprisonment for any term of years or for life.

**A prosecution may not be undertaken without written certification from the AG, or his designee, that (1) the state does not have jurisdiction, (2) the state has requested that the federal government assume jurisdiction, (3) the verdict or sentence obtained by the state left the federal interest demonstrably un-vindicated, or (4) prosecution is in the public interest and necessary to secure substantial justice.**

42 U.S.C.  
§ 3631

Criminal  
Interferenc  
e with  
Right to  
Fair  
Housing

Section 3631 makes it unlawful for an individual to use force or threaten to use force to injure, intimidate, or interfere with, or attempt to injure, intimidate, or interfere with, any person's housing rights because of that person's race, color, religion, sex, handicap, familial status or national origin.

Among those housing rights enumerated in the statute are: 1) the sale, purchase, or rental of a dwelling, 2) the occupation of dwelling, 3) the financing of a dwelling, 4) contracting or negotiating for any of the rights enumerated



**U.S.  
Code  
Provision**

**Name**

**Explanation**

facility relating to the sale or rental of dwellings.

This statute also makes it unlawful to use force or threaten to use force to injure, intimidate, or interfere with any person who is assisting an individual or class of persons in the exercise of their housing rights.

A violation of the statute is a misdemeanor unless prosecutors prove one of the statutory aggravating factors such as a bodily injury, use of a dangerous weapon, kidnapping, aggravated sexual abuse, death resulting, or attempt to kill, in which case there are graduated penalties up to and including life in prison.

#### **FREEDOM OF ACCESS TO CLINIC ENTRANCES (FACE)**

Section 248 makes it unlawful for a person to use force, the threat of force, or physical obstruction to intentionally injure or intimidate a person because he or she is or has been obtaining or providing reproductive health services.

Section 248 also makes it unlawful for a person to use force, the threat of force, or physical obstruction to intentionally injure or intimidate a person because he or she is lawfully exercising the right of religious freedom at a place of worship.

Finally, Section 248 makes it unlawful for a person to intentionally damage or destroy the property of a facility because it provides reproductive health services, or because it is a place of worship. Section 248 also prohibits anyone from attempting to commit any of the above.

**18 U.S.C. §  
248**

**FACE**

The term "reproductive health care facility," includes both facilities that provide abortions as well as facilities that provide alternative counseling.

In the absence of aggravating factors, a first offense under this statute is a misdemeanor punishable by six months imprisonment for a non-violent obstruction offense, and up to a year for an offense involving force or threats. A second offense (committed after conviction on a different FACE offense) is punishable by up to eighteen months in prison for a non-violent obstruction offense and by up to three years in prison for an offense involving force or threats. If bodily injury results, then the penalty is increased to up to ten years. If death results, the penalty may be up to life imprisonment.

#### **PEONAGE, SLAVERY AND TRAFFICKING IN PERSONS**

Section 1589 makes it unlawful to knowingly provide or obtain the labor or services of a person through one of the following prohibited means:

**18 U.S.C. §  
1589**

**Forced  
Labor**

- a. Force, physical restraint, or threats of force or restraint to the victim or another
- b. Serious harm or threats of serious harm to the victim or another
- c. Abuse or threatened abuse of law or legal process

**U.S.  
Code  
Provision**

**Name**

**Explanation**

that the victim or another would suffer serious harm or physical restraint if he/she did not perform labor/services.

Section 1589 also makes it a crime to benefit, financially or by receiving anything of value, from a venture that has engaged in conduct described in the paragraph above, knowing or in reckless disregard that the venture has provided or obtained the labor or services of a person using any of the listed prohibited means.

The statute specifies that "serious harm" may include physical or non-physical harm, including psychological, financial or reputational harm that is sufficiently serious to compel a reasonable person of the same background and circumstances as the victim to perform the labor or services in order to avoid the harm.

The offense is a felony punishable by up to 20 years imprisonment, or up to life if the violation involves a statutory aggravating factor such as death resulting from the offense, kidnapping, aggravated sexual abuse, or an attempt to kill.

**18 U.S.C. §  
1590**

Trafficking with respect to peonage, slavery, involuntary servitude, or forced labor

Section 1590 makes it a crime to recruit, harbor, transport, provide or obtain a person by any means for labor or services in violation of Chapter 77 of U.S. Code Title 18 (covering crimes of peonage, slavery and trafficking in persons.)

The Section also punishes any person who obstructs, attempts to obstruct, interferes with or prevents the enforcement of this section.

The offense is a felony punishable by up to 20 years imprisonment, or up to life if the violation involves a statutory aggravating factor such as death resulting from the offense, kidnapping, aggravated sexual abuse, or an attempt to kill.

**18 U.S.C. §  
1591**

Sex Trafficking of Children or by Force, Fraud, or Coercion

Section 1591 criminalizes sex trafficking of children or of anyone by force fraud or coercion, in or affecting interstate commerce or within the special maritime or territorial jurisdiction of the United State.

Sex trafficking is defined as recruiting, enticing, harboring, transporting, providing, obtaining, advertising, maintaining, patronizing, or soliciting a person to engage in a commercial sex act – or benefitting financially from participating in a venture that does so. The conduct is prohibited under this section where the trafficked person is a minor or where the trafficking conduct involves prohibited means:

- The defendant knew or recklessly disregarded that force, threats of force, fraud, or coercion will be used to cause the victim to engage in the sex act **OR**
- The defendant knew or recklessly disregarded that the victim was under the age of 18

A commercial sex act means any sex act, on account of which anything of value is given to or received by any person. A venture is defined as any group of two or more individuals associated in fact.

Section 1591 contains a special evidentiary provision whereby the prosecution need not prove knowledge or reckless disregard when the victim is a juvenile and the defendant had an opportunity to observe the victim. This provision does not apply to cases that involve only benefiting financially or receiving anything of value.

The punishment is a fine and a minimum of 15 years' imprisonment up to life if the conduct described above either involves a victim who is under the age of 14 or involves force, threats of force, fraud, or coercion. Otherwise the punishment is a fine and a minimum of ten years imprisonment up to life.



**U.S.  
Code  
Provision**

**Name**

**Explanation**

interferes with or prevents the enforcement of this statute with a fine, imprisonment up to 20 years or both.

**18 U.S.C. §  
1581**

Peonage

Section 1581 prohibits holding or returning a person to a condition of peonage, or arresting a person with intent to place or return him into a condition of peonage.

Peonage is defined as compelling someone to work against their will for payment of a debt. Compulsion must be through force, the threat of force, physical restraint, or abuse or threatened abuse of law (imprisonment). Section 1581 also prohibits obstructing, attempting to obstruct, interfering with or preventing enforcement of the above statute.

The offense is a felony punishable by up to 20 years imprisonment, or up to life if the violation involves a statutory aggravating factor such as death resulting from the offense, kidnapping, aggravated sexual abuse, or an attempt to kill.

**18 U.S.C. §  
1584**

Involuntary  
Servitude

Section 1584 makes it unlawful to sell or hold a person in a condition of involuntary servitude. This requires that the victim be forced into labor by force, threats of force, restraint, or legal coercion.

The offense is a felony punishable by up to 20 years imprisonment, or up to life if the violation involves a statutory aggravating factor such as death resulting from the offense, kidnapping, aggravated sexual abuse, or an attempt to kill.

Section 1584 also punishes any person who obstructs, attempts to obstruct, interferes with or prevents the enforcement of this statute with a fine, imprisonment up to 20 years or both.

**18 U.S.C. §  
1592**

Unlawful  
Conduct  
with  
Respect to  
Documents

Section 1592 makes it illegal to destroy, conceal, remove, confiscate, or possess certain documents of another person in the course of a violation of or with intent to violate certain slavery and trafficking statutes, or to prevent or restrict, or attempt to prevent or restrict, the movement or travel of a current or former victim of a severe form of trafficking in persons in order to maintain the labor or services of that person. The statute applies to documents that are actual or purported passports, other immigration documents, or other government identification documents.

The statute also prohibits obstructing or attempting to obstruct, interfering with or preventing the enforcement of this section.

A victim of a "severe form of trafficking in persons" is defined in the civil victim protection provisions of the TVPA at 22 U.S.C. § 7102(9). The statute does not apply to the conduct of a victim of severe forms of trafficking in persons if that conduct is caused by or incident to that victimization.

The penalty for violating the statute is up to five years imprisonment.

**18 U.S.C. §  
1593**

Mandatory  
Restitution

This statute provides for mandatory restitution for trafficking victims in the "full amount of the victims losses" as determined by the court, and in addition to any other civil or criminal penalties.

**U.S.  
Code  
Provision**

**Name**

**Explanation**

**18 U.S.C. § 1593A** Benefiting financially from peonage, slavery, and trafficking in persons

This statute penalizes any person who benefits financially or receives anything of value from participation in a venture which has engaged in violations of §§ 1581(a) [peonage], 1592 [unlawful conduct with respect to documents], or 1595(a), knowing or in reckless disregard of the fact that the venture has engaged in this violation.

The penalty for a violation of this statute is the same as for a completed violation of the underlying section.

**18 U.S.C. § 1594(a)** Attempts

This statute penalizes attempts to violate specified sections of Chapter 77, including Sections 1589 and 1591, the most commonly-charged trafficking statutes. The penalty is the same as for a completed crime.

**18 U.S.C. § 1594(b) and (c)** Conspiracy

**Civil Rights Division**  
U.S. Department of Justice  
950 Pennsylvania Avenue NW  
Office of the Assistant Attorney General  
Washington, DC 20530

These subsections penalize conspiring to violate specified sections of the Chapter 77.

The penalty for conspiracy is punishable to the same extent as for the underlying offense. There is no mandatory minimum for conspiracy to violate § 1591.

**18 U.S.C. § 1594(d) and (e)** Forfeiture

**Civil Rights Division**  
202-514-3847  
TTY  
202-514-0716

This statute requires forfeiture of property used during the commission of a trafficking crime or which constitutes proceeds of such a crime.

**18 U.S.C. § 1596 and** Extra-territorial jurisdiction

**Signup for Email Updates**  
**Social Media**

§ 1596 gives extraterritorial jurisdiction over specified violations of Chapter 77, and over attempted conspiracies to commit those offenses, if the alleged offender is a national or lawful permanent resident of the United States, or if the alleged offender is present in the United States.

**18 U.S.C. § 3271** jurisdiction

For conduct that occurred prior to enactment of § 1596 or that is not covered by that section, § 3271 is available to prosecute extraterritorial violations of Chapter 77 (peonage, slavery and trafficking in persons) and Chapter 117 (transportation for illegal sexual activity) committed by individuals employed by or accompanying the federal government.



In order to obtain justice for individuals involved in human trafficking, the Division makes use of a range of related criminal statutes. The Division does not prosecute these statutes in every case in which they are violated, but only where there is evidence of a victim of severe forms of trafficking in persons. Examples of related statutes commonly used to prosecute human traffickers include:

**Budget & Performance**

**18 USC § 2421** – Transportation or attempted transportation of a person in interstate or foreign commerce, with intent that the person engage in prostitution or other sexual activity for which any person can be charged with a crime, is punishable by a fine or up to ten years' imprisonment or both.

**18 USC § 2422** – Transportation of a minor in interstate or foreign commerce, with intent that the minor engage in prostitution or other sexual activity for which any person can be charged with a crime, is punishable by a fine and a minimum of 10 years' imprisonment or both. This section also prohibits travel in interstate and foreign commerce with intent to engage in illicit sexual conduct involving children; engaging in illicit sexual conduct in foreign places; and facilitating such travel. These offenses are punishable by a fine or up to 30 years' imprisonment, or both. A conspiracy to violate this section are punishable to the same extent as the underlying violation.

**18 USC § 1351** – Fraud in foreign labor contracting involves the use of materially false or fraudulent pretenses to recruit a person outside the United States for

**Related criminal statutes used to prosecute human traffickers**

Multiple Statutes



**U.S.  
Code  
Provision**

**Name**

**Explanation**

[Vote.gov](#)

[Español](#)

employment in the United States or for employment outside the United States on a US government contract, military installation or mission. This violation is punishable by a fine or up to five years imprisonment, or both.

**18 USC § 1546** – Fraud and misuse of visas, permits and other documents.

**8 USC § 1324** – Bringing and harboring certain aliens. This section describes violations related to smuggling, harboring and hiring for employment of individuals who are not lawfully present in the United States. Penalties range from a fine and imprisonment for not more than one year up to life imprisonment or death, depending on the conduct and on the presence of aggravating factors.

**8 USC § 1328** – Importation of alien for immoral purpose. This section punishes any person who imports or holds, or so attempts, or keeps, maintains, controls, supports or harbors an alien for the purpose of prostitution or any other immoral purpose. The penalty is a fine, imprisonment for up to ten years, or both.

*Updated August 15, 2023*