
**IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

21-2548

UNITED STATES OF AMERICA,

Appellee,

v.

JESSICA RAE REZNICEK,

Appellant.

*APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF IOWA
HONORABLE REBECCA GOODGAME EBINGER, U.S. DISTRICT COURT JUDGE*

**BRIEF OF AMICUS CURIAE CATHOLIC SOCIAL ACTION IN SUPPORT
OF APPELLANT AND REVERSAL**

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CORPORATE DISCLOSURE STATEMENT

In accordance with Federal Rule of Appellate Procedure 26.1, Amicus Curiae further described below state that it is a nonprofit organization with no parent corporations and in which no person or entity owns stock.

IDENTITY, INTEREST, AND AUTHORITY TO FILE¹

Amicus Curiae, Catholic Social Action (CSA), is a nonprofit organization that campaigns for orthodox Catholic social teaching in the public square. CSA provides a home for disillusioned Catholics who are tired of hearing from either left or right voices that they have to compromise on some core tenet of Catholic doctrine to participate in public and political life. CSA's activities are focused on four pillars: education, political advocacy, direct action, and parish renewal.

As an organization concerned with faith-based direct action and promoting the Catholic Church's teachings on social justice, from the right to life to environmental protection, Amicus Curiae has a strong interest in the issues before this Court.

Pursuant to Fed. R. App. P. 29(a)(2), Amicus has requested and obtained the consent of all parties to file this brief.

¹ Pursuant to Fed. R. App. P. 29(a)(4)(E), the undersigned counsel hereby certifies that no counsel for a party authored this brief in whole or in part, and no such counsel or party made a monetary contribution intended to fund the preparation or submission of this brief. No one other than Amicus Curiae, or its counsel, made a monetary contribution to fund this brief's preparation or submission.

SUMMARY OF THE ARGUMENT

The district court clearly erred when it ruled that Jessica Reznicek acted with the requisite intent to warrant a “terrorism” sentencing enhancement under USSG §3A1.4(a) when she engaged in direct action to protest the construction of the Dakota Access Pipeline. This sentencing enhancement means that Jessica—at the time, a Catholic Worker and social justice advocate—will spend eight years in federal prison for damaging the private property of an energy company. In addition to those reasons stated in Jessica’s brief that themselves warrant reversal and remand for sentencing, the district court’s ruling did not have the benefit of key context that Amicus hopes to provide—the Roman Catholic Church’s social teaching on environmental protection and the Catholic Worker movement’s storied history of faith-based direct action. Amicus provides the former as an indication of just how integral environmental stewardship is to the Catholic faith and its well-developed understanding of human dignity (though as CSA states repeatedly throughout this brief, it does not condone or take a position on the prudence of Jessica’s specific actions). Amicus provides the latter as further evidence that Jessica’s actions were not intended to influence the government, and for this additional reason, Amicus urges reversal and remand for sentencing.

ARGUMENT

Jessica's brief alone contains sufficient reasons for this Court to overturn the district court's terrorism sentencing enhancement. Additionally, the district court did not have the benefit of key context for Jessica's actions that further militate against affirming the district court's ruling. First, Catholic social teaching teaches that environmental protection is integral to human dignity and is thus a preeminent concern of the Church's social doctrine. Second, Jessica's involvement in the Catholic Worker movement, which has a storied history of direct and nonviolent action, show that her actions were not intended to influence or affect the government but were instead the result of a personalist approach to social justice.

I. Catholic Social Teaching Condemns Environmental Exploitation as Destructive to Human Dignity.

To be clear, CSA takes no position on Jessica's actions for which she pleaded guilty, nor does it wish to imply that her actions would be condoned by the Church, Catholic teaching, or CSA as an entity. These actions fall within the realm of prudential judgment, and reasonable Catholics can respectfully disagree over whether Jessica's actions were morally justified based on Catholic teaching and moral law. But Jessica's concern for environmental exploitation and, by extension, the devaluing of human life is in fact something that she shares with Catholic social teaching—the body of Catholic Church doctrine going back to Pope Pius XI

that concerns issues relevant to society² and is based on and inseparable from “the principle that affirms the inviolable dignity of the human person.”³

The Catholic understanding of human dignity is that “[e]very human being is created in the image of God and redeemed by Jesus Christ and therefore is invaluable and worthy of respect as a member of the human family.”⁴ Comprised largely of modern papal doctrinal documents known as “encyclicals,” but firmly rooted in the Gospels and the teachings of the early Church Fathers,⁵ Catholic social teaching expresses the Church’s ever-present concern for human dignity by focusing on a variety of societal issues across different times and contexts, from the dignity and rights of laborers in an industrialized society⁶ to the importance of marriage and the family unit⁷ to the problem of peace in an era marked by nuclear proliferation.⁸ The Church has much to say on these “social” issues, because they are inextricably linked to human dignity and God’s salvific plan for humanity. Any

² Compendium of the Social Doctrine of the Church, 87.

³ Compendium of the Social Doctrine of the Church, 107.

⁴ Compendium of the Social Doctrine of the Church, 87.

⁵ Compendium of the Social Doctrine of the Church, 106.

⁶ See Leo XIII, Encyclical Letter *Rerum Novarum* (1891).

⁷ John Paul II, Encyclical Letter *Centesimus Annus*, 39 (1991).

⁸ See John XXIII, Encyclical Letter *Pacem in Terris* (1963).

affront to human dignity is thus worthy of the Church's attention.

Naturally, then, the Catholic Church has much to say about the affront to human dignity caused by environmental exploitation:

- *Care for the environment represents a challenge for all of humanity. It is a matter of a common and universal duty, that of respecting a common good, destined for all, by preventing anyone from using “with impunity the different categories of beings, whether living or inanimate — animals, plants, the natural elements — simply as one wishes, according to one's own economic needs”.*⁹
- Man often seems to see no other meaning in his natural environment than what serves for immediate use and consumption. Yet it was the Creator's will that man should communicate with nature as an intelligent and noble "master" and "guardian", and not as a heedless “exploiter” and “destroyer”.¹⁰
- “[Our common home] now cries out to us because of the harm we have inflicted on her by our irresponsible use and abuse of the goods with which God has endowed her. We have come to see ourselves as her lords and masters, entitled to plunder her at will. **The violence present in our hearts, wounded by sin, is also reflected in the symptoms of sickness evident in the soil, in the water, in the air and in all forms of life.** This is why the earth herself, burdened and laid waste, is among the most abandoned and maltreated of our poor; she “groans in travail” (Rom 8:22). We have forgotten that we ourselves are dust of the earth (cf. Gen 2:7); our very bodies are made up of her elements, we breathe her air and we receive life and refreshment from her waters.”¹¹

⁹ Compendium of the Social Doctrine of the Church, 466.

¹⁰ John Paul II, Encyclical Letter *Redemptor Hominus*, 17 (1979).

¹¹ Francis, *Laudato Si*, 2 (2015) (emphasis added).

- The destruction of the human environment is extremely serious, not only because God has entrusted the world to us men and women, but because human life is itself a gift which must be defended from various forms of debasement.”¹²
- The relationship of indigenous peoples to their lands and resources deserves particular attention, since it is a fundamental expression of their identity. Due to powerful agro-industrial interests or the powerful processes of assimilation and urbanization, many of these peoples have already lost or risk losing the lands on which they live, lands tied to the very meaning of their existence. **The rights of indigenous peoples must be appropriately protected.**¹³

These are just a few of the magisterial pronouncements on the relationship between humanity and the environment that have been proclaimed across several pontificates, which can be summed up in layman’s terms as: Care for the natural environment is a moral imperative for all people, but it is especially integral to the Catholic faith and Catholic anthropology. The natural environment is not simply to be used, abused, and dominated on a whim for monetary gain and personal pleasure but is to be stewarded with care and charity. Environmental degradation and exploitation are symptoms of personal and societal violence and sin that debase and even destroy human life. Indigenous people are especially vulnerable to having their land stolen and exploited by powerful corporate interests and are thus

¹² *Id.*, 5.

¹³ Compendium of the Social Doctrine of the Church, 471.

deserving of special protection (a unique consideration at play here). In short, environmental protection and preservation are (or at least should be) preeminent concerns for all Catholics.

Again, all this is not to say that Catholic social teaching condones the means—damaging corporate property—that Jessica chose to accomplish the end of environmental protection, though one might indeed be able to make a compelling argument on that score. Nor does CSA wish to suggest that Jessica was prompted to act based on Catholic social teaching. But what the preceding discussion illustrates is that concern for the environment is not just a musing of a fringe sect of the Catholic Church’s membership; it is a non-negotiable for all believers.

II. Jessica Reznicek’s Specific Intent Must Be Viewed in Light of Her Involvement in the Catholic Worker Movement and Cannot Be Deemed “Terrorism.”

A. The History and Purpose of the Catholic Worker Movement is One of Nonviolent Direct Action.

At the time of Jessica’s direct action, she was living and serving as a Catholic Worker. The Catholic Worker movement is a lived manifestation of the Church’s social teaching and its preferential option for the poor. The movement was founded in 1933 by Dorothy Day and Peter Maurin in the midst of the Great Depression, primarily as a way to directly address immediate and widespread

poverty and suffering.¹⁴ It is “made up of people motivated by the teachings of Jesus, especially as they are summarized in the Sermon on the Mount, and the teachings of the Catholic Church, [especially] the writings of the early Church Fathers and the social encyclicals of the modern popes, to bring about a ‘new society within the shell of the old, a society in which it will be easier to be good.’”¹⁵ “[The Catholic Worker movement] is best known for houses of hospitality located in run-down sections of many cities, though a number of Catholic Worker centers exist in rural areas.”¹⁶ The Catholic Worker’s primary purpose—providing food, shelter, and hospitality to those in need—is supported by unpaid volunteers who live lives of voluntary poverty and self-sacrifice in solidarity with the poor.¹⁷ Those unpaid volunteers, like Jessica, do not rely on or lobby the government to provide for the needs of poor people; they do it themselves by heroically giving of themselves, thus embodying the personalist (or direct action) commands of the Gospel.

¹⁴ Jim Forest, *The Catholic Worker Movement*, <https://www.catholicworker.org/forest-history.html>

¹⁵ Tom Cornell, *A Brief Introduction to the Catholic Worker Movement*, <https://www.catholicworker.org/cornell-history.html>.

¹⁶ Forest, *supra* note 14.

¹⁷ *Id.*

Beyond meeting the immediate needs of the poor, Catholic Worker communities are actively involved in the wider struggle for social justice and societal conversion—again, in the form of nonviolent direct action. Although Catholic Worker communities are autonomous and support social causes as they arise in specific times and places, many communities provide direct support to “labor unions, human rights, cooperatives, and the development of a nonviolent culture.”¹⁸ Catholic Workers’ love for the poor and marginalized compels them to join the struggle for social justice on a personal level. What motivates the actions of Catholic Workers, though, is not government influence or the desire for a specific policy outcome but the command for each believer on an individual level to “[b]e doers of the word and not hearers only.”¹⁹ When one thinks of a “terrorist,” this group of largely pacifist Christians is not likely to come first to mind.

B. Jessica’s Actions Were Not Calculated to Influence or Affect the Conduct of the Government by Intimidation or Coercion.

As Jessica states capably in her brief, her actions were motivated by government *inaction* regarding the Dakota Access Pipeline and her own personal

¹⁸ *Id.*

¹⁹ James 1:22, New American Bible (Revised Edition).

desperation and groanings at its seeming lack of concern for the natural environment and clean water sources. In other words, she thought that government action was a lost cause, and she viewed her own direct action as the only option left to delay the construction of the pipeline and to stand up for the voiceless. Whether one agrees with the specific form that Jessica's direct action took, her personalist approach to social justice is in line with the Catholic Worker ethos and militates against the idea that Jessica's actions were motivated to influence or affect the government (let alone to retaliate against it), especially given the wellspring of evidence to the contrary. This Court should thus reverse and remand for sentencing, so that Jessica can be sentenced as the non-terrorist that she is.

CONCLUSION

For all of the above reasons, Amicus Curiae, Catholic Social Action, respectfully requests that this Court reverse and remand for sentencing.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on November 10, 2021, I electronically filed the foregoing brief with the Clerk of Court for the United States Court of Appeals for the Eighth Circuit by using the CM/ECF system. Participants in the case who are registered CM/ECF users were served by the CM/ECF system. The brief was scanned for viruses. I further certify that after receipt of notice that this brief is filed, I will transmit 10 paper copies of the brief to the Clerk of Court via Federal Express and 1 paper copy to the appellee and to the appellant.

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Fed. R. App. P. 32(a)(7) AND 8th CIR. RULE 28A(c) CERTIFICATION

I certify that the foregoing brief complies with the type-volume limitation of Fed. R. App. P. 32(a)(7). The brief uses a proportional space, 14 point New Times Roman font, using the word-processing system Microsoft Word 2010. The brief contains 193 lines and 1,986 words, excluding the table of contents, table of authorities, any addendum, and certificates of counsel.

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RE: 21-2548 United States v. Jessica Reznicek

Dear Counsel:

The amicus curiae brief of Catholic Social Action has been filed. If you have not already done so, please complete and file an Appearance form. You can access the Appearance Form at www.ca8.uscourts.gov/all-forms.

Please note that Federal Rule of Appellate Procedure 29(g) provides that an amicus may only present oral argument by leave of court. If you wish to present oral argument, you need to submit a motion. Please note that if permission to present oral argument is granted, the court's usual practice is that the time granted to the amicus will be deducted from the time allotted to the party the amicus supports. You may wish to discuss this with the other attorneys before you submit your motion.

Michael E. Gans
Clerk of Court

HAG

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